

1 UNITED STATES DISTRICT COURT  
 2 FOR THE EASTERN DISTRICT OF VIRGINIA  
 Alexandria Division

3 UNITED STATES OF AMERICA, : Criminal Case  
 4 : No. 20-CR-00239-TSE  
 Plaintiff :  
 5 v. :  
 6 EL SHAFEE ELSHEIKH, : March 29, 2022  
 : 9:10 a.m.  
 Defendant :  
 7 ..... : .....

8 TRANSCRIPT OF TRIAL PROCEEDINGS  
 9 VOLUME 1  
 JURY SELECTION  
 10 BEFORE THE HONORABLE T.S. ELLIS, III  
 UNITED STATES DISTRICT JUDGE  
 11 and a jury

12 APPEARANCES:

13 FOR THE PLAINTIFF: RAJ PAREKH  
 14 JOHN T. GIBBS  
 DENNIS FITZPATRICK  
 ALICIA H. COOK  
 15 U.S. ATTORNEY'S OFFICE  
 2100 Jamieson Avenue  
 Alexandria, VA 22314  
 16 703-299-3700

17 FOR THE DEFENDANT: NINA J. GINSBERG  
 18 ZACHARY ANDREW DEUBLER  
 DiMURO GINSBERG PC  
 1101 King Street  
 Suite 610  
 Alexandria, VA 22314  
 20 703-684-4333

21 EDWARD B. MacMAHON  
 LAW OFFICES OF  
 EDWARD B. MacMAHON, JR.  
 PO Box 25  
 107 East Washington Street  
 Middleburg, VA 20118  
 24 540-687-6366

25 (APPEARANCES CONTINUED ON  
 FOLLOWING PAGE.)

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**FOR THE DEFENDANT:**

**JOHN EDWARD YANCEY ELLIS  
CARMICHAEL ELLIS & BROCK  
108 N. Alfred Street  
1st Floor  
Alexandria, VA 22314  
703-684-7908**

**OFFICIAL COURT REPORTER:**

**REBECCA STONESTREET, RPR, CRR  
U.S. District Court, 9th Floor  
401 Courthouse Square  
Alexandria, Virginia 22314  
(240) 426-7767**

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**COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES**

**P R O C E E D I N G S**

COURTROOM CLERK: Court calls criminal case  
United States of America versus El Shafee Elsheikh, Case  
Number 2020-CR-239. This case comes on for trial by jury.

THE COURT: All right. Who's here for the government?

MR. FITZPATRICK: Good morning, Your Honor.  
Dennis Fitzpatrick, Raj Parekh, John Gibbs, Alicia Cook, and  
Aidan Grano-Mickelsen on behalf of the United States. We also  
have Nicole Lopez with us today.

THE COURT: And who is here on behalf of the defendant?

MR. MACMAHON: Edward MacMahon with Nina Ginsberg,  
Yancey Ellis, and Zack Deubler for the defense. And Pam Bishop  
is with us in the well of the court as well, Your Honor.

THE COURT: All right. Good morning to all of you.  
Let me note, as I have in the past, but since this is the first  
day of the trial, let me say it again, because I think it's  
important to Mr. Ellis that I put on the record that there's no  
familial relationship at all between us.

Is that correct, Mr. Ellis?

MR. ELLIS: It is, sir. Always appreciated.

THE COURT: All right. Let me note that by no means to  
I mean to suggest that I would not welcome a family  
relationship, but there isn't one.

Now, we have -- on the 10th floor we have an overflow  
courtroom that we thought we would need this morning. It turns

1 out that we have -- and I think the deputy clerk has informed  
2 you that while we summoned a sizable number for this morning to  
3 begin the jury selection process, there were a number of  
4 absences, people not feeling well and the like.

5 Let me ask the deputy clerk, counsel have been  
6 informed?

7 COURTROOM CLERK: Yes, Judge.

8 THE COURT: Now, I want to take this opportunity,  
9 ladies and gentlemen, to welcome you. My name is Tim Ellis.  
10 I'll be the judge presiding over this case. And, as I said, I  
11 want to take this opportunity at the outset to thank all of you  
12 for your service as jurors today. Nothing you do as an American  
13 citizen is any more important than jury service. Together with  
14 voting, it is one of the two cardinal duties each of us has as  
15 an American citizen, and it's important that we fulfill those  
16 duties.

17 To be sure, jury service involves inconvenience and  
18 effort and sacrifice. But it is important, and I thank all of  
19 you for making that effort today.

20 We'll proceed today with what is called the jury  
21 selection. Lawyers call it the voir dire process. Voir dire is  
22 an Anglo-Norman French expression no longer used in France, I'm  
23 told by my lawyer friends in France. But what it means is, in  
24 essence, speak the truth. Because it is in this process that I  
25 will ask questions of prospective jurors; you will be required

1 to answer those questions, and you'll be under oath.

2 Now, there are two phases to the voir dire, and I'll  
3 explain the two phases briefly. First, I will ask general  
4 questions. And those of you who have affirmative answers to the  
5 questions I ask will raise your hands, and a court security  
6 officer will bring you a microphone and you'll answer the  
7 questions standing from where you're now sitting. That's  
8 Phase 1.

9 For Phase 2, I will ask you a series of questions,  
10 again designed to enable the Court to ascertain whether any of  
11 you may be disabled by any rule of law from serving as a juror  
12 in this case. And in answer to those questions, you may be  
13 required to provide information that is private to you - that  
14 is, it's confidential to you - and so you will not be giving  
15 your answer on a microphone brought to you, but instead one at a  
16 time you'll come up here, you'll sit in the witness box, and  
17 using earphones and a microphone, you'll give me your answers  
18 that will be heard by me, by the court personnel, and by the  
19 attorneys and the defendant.

20 And I will point out, I think it's important to point  
21 out that the defendant was a British subject and attended school  
22 in Britain, so far as I'm aware, and speaks English, and does  
23 not need an interpreter. Although I'm sure he speaks Arabic and  
24 maybe other languages, he speaks English and does not require an  
25 interpreter. So that's Phase 2.

1           Now, after that, of course, we will give the attorneys  
2 an opportunity to express their motions to strike for cause,  
3 then we will seat a jury and permit the attorneys to exercise  
4 their peremptory challenges.

5           The process will now begin with the deputy clerk  
6 calling the roll. When your name is called, please stand, and  
7 remain standing until the next name is called. And we do this  
8 for two purposes, or two reasons. First, we want to be sure all  
9 of you are here who are required to be here; and second, we want  
10 to give the attorneys an opportunity to identify a name with a  
11 face on their list.

12           And after the roll is called, an oath will be  
13 administered to you to answer the questions that I will ask.  
14 That's the voir dire. And then we will proceed with that.

15           I'm sort of amused at an experience I had. I say  
16 voir dire. Some of you may know it as voir dire. It's D-I-R-E.  
17 Some of you may know it by some other term. I never pronounce  
18 it correctly. When I was in England, in the United Kingdom, and  
19 also in France, I probably mispronounced it so badly that my  
20 lawyer friends told me they had never heard the phrase. But in  
21 any event, I suspect most of you mispronounce it pretty much the  
22 way I did, so I hope it has been clear to you.

23           All right. Ms. Randall, the deputy clerk, may proceed  
24 to call the roll.

25           COURTROOM CLERK: Ladies and gentlemen of the jury, as

1 I call your name, please stand, answer "present," and be seated  
2 as the next name is called.

3 Yoseph Amha. Yoseph Amha, juror number 1.

4 THE COURT: Not a promising beginning. No one is  
5 standing. All right. Show cause for him.

6 COURTROOM CLERK: Juror number two, Lucas Araujo.

7 PROSPECTIVE JUROR: Present.

8 COURTROOM CLERK: Juror number 3, James Bailes.

9 PROSPECTIVE JUROR: Present.

10 COURTROOM CLERK: Juror number 6, Paul Brazier.

11 PROSPECTIVE JUROR: Present.

12 COURTROOM CLERK: Juror number 7, Kristina Brown.

13 PROSPECTIVE JUROR: Present.

14 COURTROOM CLERK: Juror number 9, Melanie De Cola.

15 PROSPECTIVE JUROR: Present.

16 COURT CLERK: Juror number 11, John Donovan.

17 PROSPECTIVE JUROR: Present.

18 COURTROOM CLERK: Juror number 13, Louise Driggers.

19 PROSPECTIVE JUROR: Present.

20 COURT CLERK: Juror number 14, Anne Fay.

21 PROSPECTIVE JUROR: Present.

22 COURTROOM CLERK: Juror number 15, Lynn Franco.

23 PROSPECTIVE JUROR: Present.

24 COURTROOM CLERK: Juror number 16, James Hanover.

25 PROSPECTIVE JUROR: Present.

1 COURTROOM CLERK: Juror number 17, Lewis Hoge.

2 PROSPECTIVE JUROR: Present.

3 COURTROOM CLERK: Juror number 18, Scott Johnson.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 19, Sylvia Keys.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 20, Anna Kinney.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: Juror number 21, Andrea Kohos.

10 PROSPECTIVE JUROR: Present.

11 COURTROOM CLERK: Juror number 22, John Kugelman.

12 PROSPECTIVE JUROR: Present.

13 COURTROOM CLERK: Juror number 23, James Lankford.

14 Juror number 23, James Lankford.

15 THE COURT: Show cause.

16 COURTROOM CLERK: Juror number 24, Sean Larson.

17 PROSPECTIVE JUROR: Present.

18 COURTROOM CLERK: Juror number 25, Samantha Lee.

19 PROSPECTIVE JUROR: Present.

20 COURTROOM CLERK: Juror number 26, Eileen Liles.

21 PROSPECTIVE JUROR: Present.

22 COURTROOM CLERK: Juror number 27, Guirlene Marc.

23 PROSPECTIVE JUROR: Present.

24 COURTROOM CLERK: Juror number 29, Mark Mooney.

25 PROSPECTIVE JUROR: Present.



1 COURTROOM CLERK: Juror number 30, Camille Morrison.

2 PROSPECTIVE JUROR: Present.

3 COURTROOM CLERK: Juror number 31, Aaron Nguyen.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 32, Elyssa Pascasio.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 33, Joseph Pimenta.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: Juror number 34, Robert Pumo.

10 PROSPECTIVE JUROR: Present.

11 COURTROOM CLERK: Juror number 36, Jody Redeker.

12 PROSPECTIVE JUROR: Present.

13 COURTROOM CLERK: Juror number 38, Joseph Suitt.

14 PROSPECTIVE JUROR: (No verbal response.)

15 COURTROOM CLERK: Juror number 39, Samer Tanveer.

16 PROSPECTIVE JUROR: Present.

17 COURTROOM CLERK: Juror number 40, Amanda Thomas.

18 PROSPECTIVE JUROR: Present.

19 COURTROOM CLERK: Juror number 41, Marian Tuluceanu.

20 PROSPECTIVE JUROR: Present.

21 COURTROOM CLERK: Juror number 42, Debra Van Buren.

22 Juror number 42, Debra Van Buren.

23 THE COURT: All right. Show cause.

24 COURTROOM CLERK: Juror number 43, Amy Vernon.

25 PROSPECTIVE JUROR: Present.

1 COURTROOM CLERK: Juror number 44, Derryck Walker.

2 PROSPECTIVE JUROR: Present.

3 COURTROOM CLERK: Juror number 45, Daniel Weinstein.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 46, Deborah Wintermute.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 47, Richard Winters.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: Juror number 48, Nicholas Wright.

10 Juror number 48, Nicholas Wright.

11 THE COURT: Show cause.

12 COURTROOM CLERK: Juror number 49, Jiyoun Yoo.

13 PROSPECTIVE JUROR: Jiyoun Yoo.

14 COURTROOM CLERK: Juror number 50, Laura Younger.

15 PROSPECTIVE JUROR: Present.

16 COURTROOM CLERK: Is there any juror whose name I have  
17 not called?

18 PROSPECTIVE JUROR: I think my name was called,  
19 Jiyoun Yoo, Y-O-O.

20 COURTROOM CLERK: Yes.

21 THE COURT: We called your name.

22 COURTROOM CLERK: Is it spelled J-I-Y-O-U-N-G, last  
23 name is Y-O-O?

24 PROSPECTIVE JUROR: (No verbal response.)

25 THE COURT: All right. Thank you. All right. Anyone

1 else whose name we did not call?

2 Go ahead, Tanya.

3 COURTROOM CLERK: Ladies and gentlemen of the jury,  
4 will you please stand, raise your right hands, and respond after  
5 the oath by stating "I shall."

6 Do you swear that you shall true and perfect answer  
7 made to such questions as may be propounded to you by the Court,  
8 so help you God?

9 PROSPECTIVE JURY PANEL: (Collectively) I shall.

10 THE COURT: All right, ladies and gentlemen, I'm now  
11 going to ask you a series of questions designed to enable the  
12 Court to ascertain whether any of you may be disabled by any  
13 rule of law from serving as a juror in this case.

14 Before I begin, let me note one other item I should  
15 have mentioned earlier. I've received a request from a  
16 journalist, Mr. Garden, in England that we allow the sound from  
17 this courtroom to be reported remotely to Europe so that they  
18 can hear it there. No, we don't have a link.

19 Now, we have used a link in the past, but that is  
20 purely for family members of victims of crimes that have been  
21 tried here. And we would have that today, except that we have  
22 present representatives of those families today. I think they  
23 are now here in the courtroom on 10, because we thought here on  
24 nine, the courtroom would be filled. As it turns out, it isn't.

25 But in any event, Mr. Garden, your request is denied.

1 But, of course, you're perfectly welcome to come and attend in  
2 person, as others have. The public is present. This is a  
3 public trial.

4 Now, let me begin by asking, Mr. Fitzpatrick, would you  
5 stand, introduce yourself and your co-counsel to the panel,  
6 please.

7 MR. FITZPATRICK: Thank you, Your Honor. Good morning,  
8 ladies and gentlemen. My name is Dennis Fitzpatrick, I'm an  
9 Assistant U.S. Attorney within this district. This is my  
10 colleague, Mr. Raj Parekh, also the First Assistant  
11 United States Attorney for the Eastern District of Virginia; my  
12 colleague John Gibbs, also an Assistant United States Attorney  
13 in the Eastern District of Virginia; my colleague Alicia Cook,  
14 who is a trial attorney with the Department of Justice's  
15 National Security Division; and my colleague  
16 Aidan Grano-Mickelsen, who is an Assistant United States  
17 Attorney in the Eastern District of Virginia. And our paralegal  
18 with us today is Nicole Lopez, who is part of our team in the  
19 Eastern District of Virginia. Thank you.

20 THE COURT: All right. Ladies and gentlemen, I want to  
21 know whether you or any member of your family, so far as you  
22 know, know any of these individuals, or have you had any  
23 business or social dealings of any kind with any of them.  
24 There's one hand that went up.

25 PROSPECTIVE JUROR: I'm an ATF agent. I bring cases to

1 this court, so I have --

2 THE COURT: Your name, sir?

3 PROSPECTIVE JUROR: John Donovan. So I've seen some of  
4 these individuals, and they work with people that I work with.

5 THE COURT: All right. Thank you for bringing that to  
6 my attention, Mr. Donovan.

7 Anyone else? And the record will reflect no one else  
8 has raised their hand.

9 All right. Mr. Fitzpatrick and his colleagues are  
10 members of the U.S. Attorney's Office for the Eastern District  
11 of Virginia. And I want to know whether you or any member of  
12 your family, so far as you know, has had any business or social  
13 dealings of any kind whatsoever with any of the attorneys or  
14 employees of that office, with the exception of Mr. Donovan. I  
15 already know about Mr. Donovan.

16 Anyone else, raise your hand, please. The record will  
17 reflect no other hands have been raised.

18 Let's go now, Mr. MacMahon, would you stand, introduce  
19 yourself and your co-counsel to the panel, please.

20 MR. MACMAHON: Thank you, Your Honor. My name is  
21 Edward MacMahon, I'm an attorney here in Virginia. I'm  
22 representing Mr. Elsheikh. With me is Nina Ginsberg with the  
23 law firm of DiMuro Ginsberg, in Alexandria, and Zach Deubler is  
24 also with the same law firm. And then Yancey Ellis, who just  
25 stood up, with Carmichael Ellis, is the name of his firm, here

1 in Alexandria as well.

2 THE COURT: All right. Ladies and gentlemen, do you or  
3 any member of your family, so far as you know, know any of these  
4 individuals, or have you had any business or social dealings of  
5 any kind whatsoever with any of them? The record will reflect  
6 no hands have been raised.

7 I'll point out that Ms. Ginsberg is a member of the  
8 firm of DiMuro Ginsberg, where, Ms. Ginsberg?

9 MS. GINSBERG: Alexandria, Virginia.

10 THE COURT: All right. Do you or any member of your  
11 family, so far as you know, know any of the employees or  
12 attorneys of that firm, or have you had any business or social  
13 dealings of any kind whatsoever with any of them?

14 The record will reflect no hands were raised. Thank  
15 you, Ms. Ginsberg.

16 Now turning to Mr. Ellis, what firm are you in, sir?

17 MR. ELLIS: It's Carmichael Ellis & Brock, Your Honor,  
18 and it's also in Old Town, Alexandria.

19 THE COURT: Do you or any member of your family, so far  
20 as you know, know any of the attorneys or employees of that  
21 firm, or have you had any business or social dealings of any  
22 kind whatsoever with any of them?

23 All right. No hands are raised. Thank you.

24 Did I omit any firms? I think, Mr. Deubler, you're in  
25 the same firm with Ms. Ginsberg?

1 MR. DEUBLER: That is correct, Your Honor.

2 THE COURT: And I did not ask, but I will, do you or  
3 any member of your family, ladies and gentlemen, so far as you  
4 know, know the defendant, Mr. Elsheikh, or any member of his  
5 family, or have you had any business or social dealings of any  
6 kind whatsoever with him?

7 No hands are raised, as the record will reflect. You  
8 may be seated. Thank you.

9 Next, ladies and gentlemen, I want to know whether you  
10 have served in the past on any juries, either grand juries,  
11 trial juries, in either state, federal, or local courts. If you  
12 would raise your hands. I see the hands of a few veterans here.

13 Let's start up here in the first row. May I have your  
14 name, please?

15 PROSPECTIVE JUROR: Amy Vernon.

16 THE COURT: Yes, Ms. Vernon. What juries have you  
17 served on in the past?

18 PROSPECTIVE JUROR: I served on a jury in  
19 Arlington County.

20 THE COURT: Yes, how long ago?

21 PROSPECTIVE JUROR: It was probably 20 years ago.

22 THE COURT: And was the case a criminal case or a civil  
23 case?

24 PROSPECTIVE JUROR: Civil.

25 THE COURT: And was the jury on which you served able

1 to reach a unanimous verdict?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Any other jury service, Ms. Vernon?

4 PROSPECTIVE JUROR: No, sir.

5 THE COURT: Thank you. You may be seated.

6 Next.

7 PROSPECTIVE JUROR: Good morning. Anna Kinney.

8 THE COURT: Yes, Ms. Kinney, what juries have you  
9 served on in the past?

10 PROSPECTIVE JUROR: I served on a civil jury in  
11 Massachusetts several years ago.

12 THE COURT: And was the jury on which you served able  
13 to reach a unanimous verdict?

14 PROSPECTIVE JUROR: They settled and we never got to  
15 that point.

16 THE COURT: All right. Were you disappointed or  
17 relieved?

18 PROSPECTIVE JUROR: Relieved.

19 THE COURT: All right. Any other jury service?

20 PROSPECTIVE JUROR: None that I actually went to court.

21 THE COURT: All right, thank you. You may be seated.

22 Next.

23 PROSPECTIVE JUROR: Laura Younger. More years than I  
24 care to count, I think it's almost 40 now, I served on three  
25 juries in Washtenaw County, Michigan. They were criminal cases,



1 and they all -- the jury came to a conclusion on every one of  
2 them.

3 THE COURT: A unanimous conclusion?

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Let me confirm for the record your last  
6 name, please.

7 PROSPECTIVE JUROR: Younger.

8 THE COURT: And these all occurred, you say, 40 years  
9 ago.

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: You must have been a teenager when you  
12 served. Any other jury service?

13 PROSPECTIVE JUROR: Called for jury duty in another  
14 courthouses in Alexandria, but did not serve. I was on a panel.

15 THE COURT: Thank you. You may be seated. Next.

16 PROSPECTIVE JUROR: Samer Tanveer.

17 THE COURT: Yes, Ms. Tanveer. What juries have you  
18 served on in the past?

19 PROSPECTIVE JUROR: Criminal two years ago in  
20 City of Alexandria.

21 THE COURT: And what was the nature of the case?

22 PROSPECTIVE JUROR: It was possession with intent to  
23 sell weed.

24 THE COURT: And was the jury on which you served able  
25 to reach a unanimous verdict?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: Any other jury service, Ms. Tanveer?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Thank you. You may be seated. Next.

5 PROSPECTIVE JUROR: Sylvia Keys, K-E-Y-S.

6 THE COURT: Yes, Ms. Keys. What juries have you served  
7 on in the past?

8 PROSPECTIVE JUROR: Washington, D.C., about 15 years  
9 ago.

10 THE COURT: How long ago?

11 PROSPECTIVE JUROR: 15.

12 THE COURT: And what was the nature of the case?

13 PROSPECTIVE JUROR: Civil. Civil.

14 THE COURT: And was the jury on which you served,  
15 Ms. Keys, able to reach a unanimous verdict?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Any other jury service, Ms. Keys?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: Thank you. You may be seated. Next.

20 PROSPECTIVE JUROR: Amanda Thomas.

21 THE COURT: Yes, Ms. Thomas. What juries have you  
22 served on in the past?

23 PROSPECTIVE JUROR: I served on one criminal case and  
24 one civil case over 10 years ago in Arlington County.

25 THE COURT: And what was the nature of the criminal

1 case on which you served?

2 PROSPECTIVE JUROR: I don't remember, other than drug  
3 possession. There might have been other charges, but that's  
4 what I remember.

5 THE COURT: And was the jury on which you served in  
6 that case able to reach a unanimous verdict?

7 PROSPECTIVE JUROR: No.

8 THE COURT: What happened?

9 PROSPECTIVE JUROR: It was a hung jury.

10 THE COURT: All right. And in the civil case, was the  
11 jury on which you served able to reach a unanimous verdict? You  
12 said you had served on two juries.

13 PROSPECTIVE JUROR: Yes. So I don't recall whether it  
14 was a unanimous verdict, I just don't remember a hung jury on  
15 that case.

16 THE COURT: Let me see if I'm clear in understanding  
17 you. Did you serve on one jury or two juries?

18 PROSPECTIVE JUROR: Two juries.

19 THE COURT: Two juries. Were they both civil or both  
20 criminal?

21 PROSPECTIVE JUROR: One criminal, one civil, I believe.

22 THE COURT: All right. So on the criminal case, you  
23 said you recalled it might have been a drug case. Is that  
24 right?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: And I think you told me that on that, the  
2 jury was not able to reach a unanimous verdict. Is that  
3 correct?

4 PROSPECTIVE JUROR: That's what I recall.

5 THE COURT: What about the civil case?

6 PROSPECTIVE JUROR: I don't remember, Your Honor.

7 THE COURT: All right. Thank you. You may be seated.  
8 Next.

9 PROSPECTIVE JUROR: Paul Brazier.

10 THE COURT: Yes, Mr. Brazier. What juries have you  
11 served on in the past?

12 PROSPECTIVE JUROR: I was called for jury duty on  
13 grand jury here in the District Court. I was not selected.

14 THE COURT: All right. So you didn't serve,  
15 ultimately?

16 PROSPECTIVE JUROR: No, sir.

17 THE COURT: All right. Thank you. You may be seated.  
18 Only if you served do I need to know.

19 PROSPECTIVE JUROR: James Hanover. I served on a jury  
20 in New York County, New York. It was a civil case, and the day  
21 of the trial we came in and the judge informed us that a  
22 settlement had been made. So I was both disappointed and happy.

23 THE COURT: All right. Thank you.

24 Next.

25 PROSPECTIVE JUROR: Oh, and it was 1996.

1 THE COURT: Thank you.

2 PROSPECTIVE JUROR: James W. Bailes, and I served in  
3 this court, this District Court. It was an arson case, and it  
4 was about 12 years ago, 10 to 12.

5 THE COURT: All right. Was the jury on which you  
6 served able to reach a unanimous verdict?

7 PROSPECTIVE JUROR: We did, Your Honor.

8 THE COURT: I've been here a long time. Was I the  
9 presiding judge?

10 PROSPECTIVE JUROR: I believe you were, sir.

11 THE COURT: All right. Thank you. Any other jury  
12 service, Mr. Bailes?

13 PROSPECTIVE JUROR: No.

14 THE COURT: Thank you. You may be seated, sir.

15 Anyone else? Have you all had an opportunity to tell  
16 me about any service on juries that you've had?

17 All right. The record will reflect that no hands have  
18 been raised, so everyone has been heard on jury service.

19 Now, ladies and gentlemen, my next question I want to  
20 ask you is whether you or any member of your immediate family is  
21 employed by any law enforcement agency. If you would raise your  
22 hands, please.

23 PROSPECTIVE JUROR: My husband is retired, but he was a  
24 detective in Suffolk County, New York.

25 THE COURT: May I have your name, please?

1 PROSPECTIVE JUROR: Lynn Franco.

2 THE COURT: Ms. Franco, you say your husband is retired  
3 from being a police officer where?

4 PROSPECTIVE JUROR: Suffolk County, New York.

5 THE COURT: That's Long Island?

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: And was he uniformed?

8 PROSPECTIVE JUROR: No. He was a detective.

9 THE COURT: All right. Do you think having a husband  
10 who did serve as a police officer in New York some time ago  
11 would prevent or hinder you in any way in rendering a fair and  
12 an impartial in this case based only on the evidence and the  
13 Court's instructions on the law?

14 PROSPECTIVE JUROR: No, I will have no problem.

15 THE COURT: All right. Thank you. You may be seated.  
16 Next.

17 PROSPECTIVE JUROR: John Donovan. I'm currently  
18 employed as a special agent with the Bureau of Alcohol, Tobacco,  
19 Firearms, and Explosives. Like I had mentioned before, I  
20 actually bring cases to this court.

21 THE COURT: Thank you, Mr. Donovan. You may be seated.  
22 Next.

23 PROSPECTIVE JUROR: My name is Daniel Weinstein. My  
24 brother-in-law is a current member of the Secret Service, and he  
25 was a former air marshal.

1 THE COURT: And he was a former air marshal. Is that  
2 what you're saying?

3 PROSPECTIVE JUROR: That's correct.

4 THE COURT: And your name again, please, sir?

5 PROSPECTIVE JUROR: Daniel Weinstein.

6 THE COURT: Yes, Mr. Weinstein. Do you think having a  
7 brother-in-law so employed would prevent or hinder you in any  
8 way from rendering a fair and an impartial verdict in this case  
9 based only on the evidence and the Court's instructions on the  
10 law?

11 PROSPECTIVE JUROR: No.

12 THE COURT: All right, sir. Thank you. You may be  
13 seated.

14 PROSPECTIVE JUROR: James Hanover. I have a query.  
15 Does an uncle count?

16 THE COURT: Yes.

17 PROSPECTIVE JUROR: My uncle served as the chief of the  
18 crime lab in High Point, North Carolina for many years. And he  
19 started as a patrolman, but his entire career was in  
20 law enforcement in that area, yes.

21 THE COURT: And what is your last name, again, sir?

22 PROSPECTIVE JUROR: My last name is Hanover.

23 THE COURT: All right. Do you feel that having an  
24 uncle so employed would prevent or hinder you in any way from  
25 rendering a fair and an impartial verdict based only on the

1 evidence and the Court's instructions on the law?

2 PROSPECTIVE JUROR: No.

3 THE COURT: All right. Thank you. You may be seated,  
4 sir.

5 Next.

6 PROSPECTIVE JUROR: Good morning. My name is  
7 Robert Pumo. I worked with the Bureau of Diplomatic Security as  
8 a civil servant.

9 THE COURT: Your name again, please, sir.

10 PROSPECTIVE JUROR: Robert Pumo.

11 THE COURT: Yes, Mr. Pumo. Tell me again for whom you  
12 work.

13 PROSPECTIVE JUROR: The Bureau of Diplomatic Security.

14 THE COURT: And what do you do for the Bureau of  
15 Diplomatic Security?

16 PROSPECTIVE JUROR: I'm a civil servant, mostly  
17 supporting embassy security overseas, primarily  
18 counterterrorism.

19 THE COURT: Do you have any law enforcement  
20 responsibility?

21 PROSPECTIVE JUROR: No. It is a law enforcement arm of  
22 the State Department, though.

23 THE COURT: But you don't have the authority to arrest  
24 people or anything of that sort?

25 PROSPECTIVE JUROR: Oh, no, Your Honor.



1           THE COURT: All right. Do you feel that your  
2 employment would prevent or hinder you in any way in rendering a  
3 fair and an impartial verdict in this case based only on the  
4 evidence and the Court's instructions on the law?

5           PROSPECTIVE JUROR: No, Your Honor.

6           THE COURT: Thank you. Next.

7           PROSPECTIVE JUROR: My name is Aaron Nguyen. I was  
8 employed as a cyber security professional, civil servant, for  
9 multiple civilian and law enforcement related agencies. The  
10 first one was Department of Transportation Office of  
11 Inspector General, the second one was the Custom and  
12 Border Protection, and the third one was the Office of Inspector  
13 General for the USDA.

14          THE COURT: As I understand it, your work is in cyber  
15 security?

16          PROSPECTIVE JUROR: That's correct, Your Honor.

17          THE COURT: Do you have any law enforcement  
18 responsibilities?

19          PROSPECTIVE JUROR: No, Your Honor.

20          THE COURT: All right. Do you feel that your  
21 employment would prevent or hinder you in any way from rendering  
22 a fair and an impartial verdict in this case based only on the  
23 evidence and the Court's instructions on the law?

24          PROSPECTIVE JUROR: No, Your Honor.

25          THE COURT: Thank you, sir. You may be seated,

1 Mr. Nguyen.

2 Yes, sir?

3 PROSPECTIVE JUROR: James Bailes. My father-in-law is  
4 a retired Virginia State Police man, 39 years. He passed away  
5 in 1995.

6 THE COURT: All right. Do you feel that having a  
7 father-in-law who served for that length of time and has now  
8 passed away, what, 25 years ago, would prevent or hinder you in  
9 any way from rendering a fair and an impartial verdict in this  
10 case based only on the evidence and the Court's instructions on  
11 the law?

12 PROSPECTIVE JUROR: No, Your Honor.

13 THE COURT: Thank you, sir.

14 PROSPECTIVE JUROR: Sean Larson.

15 THE COURT: Yes, Mr. Larson.

16 PROSPECTIVE JUROR: My father was a corrections officer  
17 in New York and my uncle was an NYPD uniformed officer.

18 THE COURT: Are they still in active service?

19 PROSPECTIVE JUROR: Both are retired.

20 THE COURT: Do you feel that having relatives as you've  
21 described, employed in the fashion you've described, would  
22 prevent or hinder you in any way from rendering a fair and an  
23 impartial verdict in this case based only on the evidence and  
24 the Court's instructions on the law?

25 PROSPECTIVE JUROR: No.

1 THE COURT: Thank you. One more?

2 PROSPECTIVE JUROR: Richard Winters.

3 THE COURT: Yes, Mr. Winters.

4 PROSPECTIVE JUROR: I had an uncle and a grandfather  
5 that served in local police departments where I grew up. Both  
6 retired now.

7 THE COURT: All right. Do you feel that having  
8 relatives that you've described, employed as police officers,  
9 would prevent or hinder you in any way from rendering a fair and  
10 an impartial verdict in this case based only on the evidence and  
11 the Court's instructions on the law?

12 PROSPECTIVE JUROR: No, sir.

13 THE COURT: All right.

14 PROSPECTIVE JUROR: Amy Vernon. My sister-in-law is a  
15 retired special agent from the EPA.

16 THE COURT: The EPA?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: And what is she retired as?

19 PROSPECTIVE JUROR: She was a special agent with the  
20 EPA, federal agent.

21 THE COURT: All right. Do you feel that having a --  
22 was it a sister or sister-in-law.

23 PROSPECTIVE JUROR: Sister-in-law.

24 THE COURT: Sister-in-law so employed would prevent or  
25 hinder you in any way from rendering a fair and an impartial

1 verdict in this case based only on the evidence and the Court's  
2 instructions on the law?

3 PROSPECTIVE JUROR: No, sir. No, sir.

4 THE COURT: Thank you. All right. It would appear  
5 that I have canvassed all of the persons who have  
6 law enforcement occupations or their families.

7 Next, ladies and gentlemen, I'm going to read to you  
8 from a list of names. I will read to you 10 names at a time.  
9 If you need to have any further identification, I may ask you to  
10 tell me who you are referring to. Because names might not be  
11 unique. But I'll do it 10 names at a time.

12 Bruce Hoffman, Barry Goodman, Dan Godfrey,  
13 William Van-Der-Reijden, Matthew Husher, Federico Motka,  
14 M-O-T-K-A, Patricia Chavez Mejia, George Smith, Jason Richards.

15 Do you or any member of your family, so far as you  
16 know, know any of these individuals, or have you had any  
17 business or social dealings with any of them?

18 All right. The record will reflect no hands.

19 Let me read the next 10 names. John Chiappone, an FBI  
20 special agent; Peshwaz Faizulla, F-A-I-Z-U-L-L-A;  
21 Matthew Hamilton; Michael Foley; Diane Foley;  
22 Radwan Safarjalany; Marsha Mueller; and Marcos Marginedas.

23 Do you or any member of your family, so far as you  
24 know, know any of those individuals, or have you had any  
25 business or social dealings of any kind whatsoever with any of

1       them? The record will reflect no hands raised. I'll read the  
2       next 10 names.

3               Art Sotloff, S-O-T-L-O-F-F; Mohammed Almahmoud,  
4       A-L-M-A-H-M-O-U-D; Ed Kassig, K-A-S-S-I-G; Elliott Stempf,  
5       S-T-E-M-P-F; Anna Bartle; Nicolas Hénin; Edouard Elias;  
6       Didier Francois, F-R-A-N-C-O-I-S; Frida Saide, S-A-I-D-E; and  
7       FBI Special Agent Dan Story.

8               Do you or any member of your family, so far as you  
9       know, know any of those individuals, or have you had any  
10      business or social dealings of any kind whatsoever with any of  
11      them? The record will reflect no hands.

12              I will read the next 10 names. Tyler Trembl, T-R-E-M-L;  
13      Lea Mulla, M-U-L-L-A; Brian Driscoll; Ian Gallagher;  
14      FBI Special Agent Brian Czekała, C-Z-E-K-A-L-A; Robert Johnston;  
15      Donna Deweltz, D-E-W-E-L-T-Z; Professor Richard Rhodes; and  
16      Diane [sic] Ottosen, O-T-T-O-S-E-N.

17              All right. Ladies and gentlemen, do you or any member  
18      of your family, so far as you know, know any of those  
19      individuals, or have you had any business or social dealings of  
20      any kind whatsoever with any of them?

21              Next, ladies and gentlemen, I want to know whether any  
22      of you have answers to the COVID questions that you gave  
23      initially to the clerk's office, whether they've changed. Let  
24      me read you what those questions were.

25              Since giving your answers to the clerk's office, one,

1 have you traveled internationally; two, have you been diagnosed  
2 with COVID-19 or had contact with anyone who has been diagnosed  
3 with COVID-19; three, have you been directed to quarantine or  
4 isolate; four, have you experienced a fever, chills, or  
5 persistent cough, shortness of breath or difficulty breathing,  
6 new loss of taste or smell or other flu-like symptoms; and five,  
7 have you resided with or been in close contact with any person  
8 who answered or would answer "yes" to any of the questions I've  
9 asked.

10 Now, previously you said "no" to those questions. If  
11 any of those answers have changed, I would like for you to raise  
12 your hands now, please.

13 There are some hands raised over here.

14 PROSPECTIVE JUROR: My name is Deborah Wintermute. So  
15 my husband was in contact with a coworker who tested positive.

16 THE COURT: And how long ago?

17 PROSPECTIVE JUROR: Two weeks.

18 THE COURT: All right. And has your husband been  
19 tested?

20 PROSPECTIVE JUROR: Yes. He did some self-testing and  
21 came back negative.

22 THE COURT: All right. And I take it you don't have  
23 any of those symptoms?

24 PROSPECTIVE JUROR: No, I don't.

25 THE COURT: Thank you. You may be seated.

1                   Next.

2                   PROSPECTIVE JUROR: Samer Tanveer. I traveled to  
3 Iceland three weeks ago.

4                   THE COURT: I'm sorry, I didn't understand your name.

5                   PROSPECTIVE JUROR: Samer Tanveer.

6                   THE COURT: Yes, Ms. Tanveer.

7                   PROSPECTIVE JUROR: I traveled to Iceland after I  
8 filled out the questionnaire.

9                   THE COURT: All right. And did you come into contact  
10 with anybody who had --

11                  PROSPECTIVE JUROR: No.

12                  THE COURT: -- any flu-like symptoms or anything of  
13 that sort?

14                  PROSPECTIVE JUROR: No.

15                  THE COURT: Have you been tested?

16                  PROSPECTIVE JUROR: Yes. At home, negative.

17                  THE COURT: All right. Thank you, Ms. Tanveer. I hope  
18 you enjoyed Iceland.

19                  PROSPECTIVE JUROR: I did.

20                  THE COURT: It's been many years since I've been there,  
21 but I remember now coming away from Iceland saying: I don't  
22 need to go to the moon now. I've seen it.

23                  All right. Next? Anyone else?

24                  PROSPECTIVE JUROR: Just to be sure, I was in contact  
25 with suspects that had some respiratory type stuff. They never

1 said the word "COVID," but I don't feel any symptoms at this  
2 point.

3 THE COURT: Have you been tested?

4 PROSPECTIVE JUROR: I have not.

5 THE COURT: And what is your name?

6 PROSPECTIVE JUROR: John Donovan.

7 THE COURT: Yes, Mr. Donovan. Thank you. You may be  
8 seated.

9 The reason I ask those questions, of course, is to  
10 safeguard your health and to ensure that you're not exposed  
11 unnecessarily. I think we're, gratefully, on the tail end of  
12 this, but it is still the rule that if you answered "yes" to any  
13 of those questions, you can't come into the courthouse. So  
14 people who come into the courthouse would have to do as you did,  
15 answer "no" to all of those questions.

16 And that's true for the court family and everyone else  
17 who is here. And I hope that gives you some sense of security.  
18 We used to have big shields up here, and wearing masks and so  
19 forth. Happily, we don't have to do that anymore.

20 Now, that's the first phase of the voir dire. I'll  
21 begin the next phase by reading to you from the indictment what  
22 the charges are against this defendant. I hasten to instruct  
23 you at the beginning that I will summarize or read to you from  
24 the indictment, but the indictment itself is not proof or  
25 evidence of guilt of any kind whatsoever. It's merely the



1 government's formal means of accusing a defendant of a crime.

2 And the defendant has pled not guilty to these  
3 charges - there are eight of them - and therefore must be  
4 presumed by you to be innocent of those charges unless and until  
5 the jury find otherwise.

6 There are eight charges, as I said. The first is the  
7 following: That from in and around November 2012 and continuing  
8 to on or about February 7, 2015, Defendant El Shafee Elsheikh  
9 and others, Alexanda Amon Kotey and others, who are specially  
10 designated global terrorists, and who will first be brought to  
11 and found in the Eastern District of Virginia, along with  
12 Mohammed Emwazi and others known and unknown to the grand jury,  
13 did conspire to seize, detain, and threaten to kill, and  
14 continued to detain nationals of the United States of America  
15 traveling outside of the United States, including  
16 James Wright Foley, whose death resulted from this offense;  
17 Kayla Jean Mueller, whose death resulted from this offense;  
18 Steven Joel Sotloff, whose death resulted from this offense; and  
19 Peter Edward Kassig, whose death resulted from this offense,  
20 each in order to compel a third person and a government  
21 organization, including but not limited to the United States of  
22 America and any part of its government, to pay a monetary ransom  
23 for the release of that U.S. national, and to do and abstain  
24 from doing any act as an explicit or implicit condition for  
25 release of that person, in violation of Title 18, U.S. Code

1 Section 1203.

2 In other words, in the first charge, the defendant is  
3 charged with engaging in a conspiracy to commit hostage-taking  
4 resulting in death.

5 The second charge against the defendant is as follows:  
6 From on or about November 22nd, 2012, to on or about August 19,  
7 2014, the defendants, Alexanda Amon Kotey and  
8 El Shafee Elsheikh, who will first be brought to and found in  
9 the Eastern District of Virginia, and others known and unknown  
10 to the grand jury, all aided and abetted by each other, did  
11 seize, detain, and threaten to kill, injure, and continue to  
12 detain James Wright Foley, a national of the United States of  
13 America traveling outside the United States, in order to compel  
14 James Wright Foley's parents and a government organization,  
15 including but not limited to the United States of America and  
16 any part of its government, to pay a monetary ransom for the  
17 release of James Wright Foley, and to do or abstain from doing  
18 any act as an explicit or implicit condition for the release of  
19 James Wright Foley. James Wright Foley's death resulted from  
20 the commission of this offense, in violation of Title 18,  
21 U.S. Code Section 1203.

22 So the second count is an allegation of hostage-taking  
23 resulting in death relating to James Wright Foley.

24 The third charge against the defendant is the  
25 following:

1           That from on or about August 4, 2013, to on or about  
2           February 7, 2015, the defendant, El Shafee Elsheikh and  
3           Alexanda Amon Kotey, who will first be brought to and found in  
4           the Eastern District of Virginia, Mohammed Emwazi, and others  
5           known and unknown to the grand jury, all aided and abetted by  
6           each other, did seize, detain, and threaten to kill, injure, and  
7           continued to detain Kayla Jean Mueller, a national of the  
8           United States of America traveling outside the United States, in  
9           order to compel Kayla Jean Mueller's parents and a governmental  
10          organization, including but not limited to the United States of  
11          America and any part of its government, to pay a monetary ransom  
12          for the release of Kayla Jean Mueller, to do and to abstain from  
13          doing any act as an explicit or implicit condition for the  
14          release of Kayla Jean Mueller. Kayla Jean Mueller's death  
15          resulted from the commission of this offense, in violation of  
16          Title 18 U.S., Code Section 1203 and 2.

17           In other words, in Count 3, the defendant is charged  
18          with hostage-taking resulting in death of Kayla Jean Mueller.

19           The fourth charge against the defendant is the  
20          following:

21           That from in or about August 4, 2013, to on or about  
22          September 2nd, 2014 -- I think I misread the date. From on or  
23          about August 4, 2013, to on or about September 2nd, 2014, the  
24          defendant, Alexanda Amon Kotey, and Defendant  
25          El Shafee Elsheikh, who will first be brought to and found in

1 the Eastern District of Virginia, Mohammed Emwazi, and others  
2 known and unknown to the grand jury, all aided and abetted by  
3 each other, did seize, detain, and threaten to kill, injure, and  
4 continue to detain Steven Joel Sotloff, S-O-T-L-O-F-F, a  
5 national of the United States of America traveling outside the  
6 United States, in order to compel Steven Joel Sotloff's parents  
7 and a governmental organization, including but not limited to  
8 the United States of America and any part of its government, to  
9 pay a monetary ransom for the release of Steven Joel Sotloff,  
10 and to do and abstain from doing any act as an explicit or  
11 implicit condition for the release of Steven Joel Sotloff. And  
12 Steven Joel Sotloff's death resulted from the commission of this  
13 offense, in violation of Title 18, U.S. Code Sections 1203 and  
14 2.

15 In other words, in this count the defendant is charged  
16 with hostage-taking resulting in the death of  
17 Steven Joel Sotloff.

18 The next charge against the defendant is the following:  
19 From in or about October 2nd, 2013, to on or about November 16,  
20 2014, the defendants, Alexanda Amon Kotey and  
21 El Shafee Elsheikh, who will first be brought to and found in  
22 the Eastern District of Virginia, Mohammed Emwazi, and others  
23 known and unknown to the grand jury, all aided and abetted by  
24 each other did seize, detain, threaten to kill, injure, and  
25 continued to detain Peter Edward Kassig, a national of the

1 United States of America traveling outside the United States, in  
2 order to compel Peter Edward Kassig's parents and a governmental  
3 organization, including but not limited to the United States of  
4 America and any part of its government, to pay a monetary ransom  
5 for the release of Peter Edward Kassig, and to do and abstain  
6 from doing any act as an explicit or implicit condition to the  
7 release of Peter Edward Kassig. And Peter Edward Kassig's death  
8 resulted from the commission of this offense, in violation of  
9 Title 18, U.S. Code Sections 1203 and 2.

10 In other words, in this charge the defendant is charged  
11 with hostage-taking resulting in the death of  
12 Peter Edward Kassig.

13 The next charge against the defendant is the following:  
14 From in and around November 2012 and continuing to on or about  
15 February 7, 2015, the defendants, Alexanda Amon Kotey and  
16 El Shafee Elsheikh, who will first be brought to and found in  
17 the Eastern District of Virginia, Mohammed Emwazi, and others  
18 known and unknown to the grand jury, did conspire to commit  
19 murder, as defined by Title 18, U.S. Code Section 1111, by  
20 unlawfully killing James Wright Foley, Kayla Jean Mueller,  
21 Steven Joel Sotloff, and Peter Edward Kassig, nationals of the  
22 United States, while these nationals were outside of the  
23 United States, each killing being willful, deliberate,  
24 malicious, and premeditated, and with malice aforethought, all  
25 in violation of Title 18, U.S. Code Section 2332(b)(2).

1           And the next count against the defendant is the  
2           following: From in and around November 2012 and continuing to  
3           on or about February 7, 2015, the defendants, Alexandra Amon  
4           Kotey and El Shafee Elsheikh, who will first be brought to and  
5           found in the Eastern District of Virginia, and Mohammed Emwazi,  
6           and others known and unknown to the grand jury, did conspire to  
7           provide material support or resources, as that term is defined  
8           in Title 18, U.S. Code Section 2339(a), namely personnel,  
9           including themselves, and services, knowing and intending that  
10          they were to be used in preparation for and carrying out a  
11          violation of Title 18, Section 1203, namely hostage-taking, and  
12          Title 18, Section 2332(a)(1), that is, murder, and the deaths of  
13          James Wright Foley, Kayla Jean Mueller, Steven Joel Sotloff, and  
14          Peter Edward Kassig, each a citizen of the United States, as  
15          well as the deaths of British and Japanese nationals, resulted  
16          from the commission of this offense, all in violation of  
17          Title 18 U.S. Code 2339.

18          And the final charge against the defendant in this case  
19          is the following: That from in or about 2012 and continuing  
20          thereafter up to and including in or about January 2018, in  
21          offenses committed outside of the jurisdiction of any particular  
22          state or district of the United States, the defendant,  
23          El Shafee Elsheikh, who will first be brought to and found in  
24          the Eastern District of Virginia, Mohammed Emwazi, and others  
25          known and unknown to the grand jury, did conspire to provide

1 material support or resources, as that term is defined in  
2 Title 18, U.S. Code Section 2339, namely personnel, including  
3 themselves, and services to a Foreign Terrorist Organization,  
4 namely ISIS, which at all relevant times was designated by the  
5 United States Secretary of State as a Foreign Terrorist  
6 Organization, pursuant to Section 219 of the Immigration and  
7 Nationality Act, knowing that ISIS was a designated Foreign  
8 Terrorist Organization, that ISIS engages and has engaged in  
9 terrorist activity, and that ISIS engages and has engaged in  
10 terrorism. The deaths of James Wright Foley, Kayla Jean  
11 Mueller, Steven Joel Sotloff, Peter Edward Kassig, each a  
12 citizen of the United States, as well as the deaths of British  
13 and Japanese nationals, resulted from the commission of this  
14 offense, all in violation of Title 18, U.S. Code  
15 Section 2339(b).

16 Those are the eight charges against this defendant.  
17 Again, let me instruct you that I summarized those from the  
18 indictment; however, the indictment itself is not proof or  
19 evidence of guilt of any kind whatsoever. It's merely the  
20 government's formal means of accusing a defendant of a crime.  
21 And the defendant has pled not guilty to all of those charges,  
22 and therefore must be presumed by you to be innocent of those  
23 charges unless and until the jury find otherwise.

24 Now, with that as a preface, I'm going to proceed to  
25 ask you further questions. And on this occasion, if you have an

1 affirmative answer to the questions I ask, I will have you come  
2 forward one at a time to give your answers here in the relative  
3 privacy of the bench and counsel.

4 All right. Do you have those names, Mr. MacMahon?

5 MR. MACMAHON: Which names, Your Honor?

6 THE COURT: Are there any witnesses whose names you  
7 think I should call to ensure that the jury does not know them.

8 MR. MACMAHON: Yes, thank you, Your Honor. There are  
9 three names. There's Sergeant Miller --

10 THE COURT: Do you have a first name?

11 MR. MACMAHON: I'm sorry, Special Agent Andrew Miller,  
12 Special Agent Daniel O'Toole, and a man named Bruce Koenig and  
13 Doug Lacey from a company named Bek Tek, LLC.

14 THE COURT: So there are four?

15 MR. MACMAHON: Yes, Your Honor.

16 THE COURT: Read them once more if you would, please,  
17 Mr. MacMahon.

18 MR. MACMAHON: Yes, Your Honor. Special  
19 Agent Andrew Miller, Special Agent Daniel O'Toole, Bruce Koenig,  
20 and Doug Lacey with the company Bek Tek, LLC.

21 THE COURT: All right. Thank you. When you say  
22 special agent, do you mean special agent of the FBI?

23 MR. MACMAHON: I do, Your Honor.

24 THE COURT: Thank you.

25 All right, ladies and gentlemen, do you or any member



1 of your family, so far as you know, know any of those  
2 individuals, or have you had any business or social dealings of  
3 any kind whatsoever with any of them? If you would raise your  
4 hands, please.

5 The record will reflect that no hands are raised.

6 Next, ladies and gentlemen, with my reading of the  
7 charges against the defendant, as a preface, I'm now going to  
8 ask you questions, and I'll ask them in a series of three. If  
9 you have an affirmative answer, I want you to come forward, and  
10 the court security officer will have you come forward one at a  
11 time.

12 Now, to avoid having you stand for long periods of  
13 time, I think they will have you come row by row and have you  
14 come here. But don't come until they indicate that you should  
15 come from your row.

16 Now, if your answer is "no," you need not come forward.  
17 So only if you have an affirmative answer to these questions  
18 should you come forward.

19 All right. First, ladies and gentlemen, I want to know  
20 whether any of you have seen or read or heard or know anything  
21 about this case from any source whatever, from the news media or  
22 the internet, or, indeed, any source whatever, I want you to  
23 come forward one at a time.

24 Next, I want to know whether you or any member of your  
25 family, so far as you know, were or are acquainted with any of

1 the victims or the victims' family, namely James Foley,  
2 Kayla Mueller, Steven Sotloff, or Peter Kassig.

3 And, finally, the third question I want to ask is, do  
4 you or any member of your family currently reside in Iraq or  
5 Syria. If you have affirmative answers to those questions, come  
6 forward one at a time, please. And what will happen is I'll  
7 have you come forward and sit in the jury box, and give me an  
8 answer to the question on the microphone with your earphones on.

9 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

10 THE COURT: Good morning to you.

11 PROSPECTIVE JUROR: Good morning.

12 THE COURT: May I have your name.

13 PROSPECTIVE JUROR: Amy Vernon.

14 THE COURT: Spell the last name.

15 PROSPECTIVE JUROR: V-E-R-N-O-N.

16 THE COURT: All right. Ms. Vernon, tell me which  
17 question you have an answer to.

18 PROSPECTIVE JUROR: The first question.

19 THE COURT: Yes, ma'am.

20 PROSPECTIVE JUROR: I have read about the case on the  
21 internet quite a bit.

22 THE COURT: What do you mean by "quite a bit"?

23 PROSPECTIVE JUROR: When it happened and recently.

24 THE COURT: And you understand that none of what you've  
25 read is evidence in this case?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Do you feel you can put aside everything  
3 you've read and render a fair and an impartial verdict in this  
4 case based only on the evidence and the Court's instructions on  
5 the law?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: Now, have you formed any opinion about the  
8 case?

9 PROSPECTIVE JUROR: Not really, no, sir.

10 THE COURT: Well, you say "not really."

11 PROSPECTIVE JUROR: I mean, I know what I read. I  
12 don't know what the evidence is.

13 THE COURT: All right. And do you feel you can put  
14 aside everything you've read, and judge this case fairly and  
15 impartially only on the basis you see and hear presented in the  
16 courtroom, and the Court's instructions on the law?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: All right. Have you -- is there anything  
19 else about what you know about this case that you feel you need  
20 to tell me?

21 PROSPECTIVE JUROR: No, sir.

22 THE COURT: Am I right that the source of your  
23 information has been the internet?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: All right. The newspapers on the internet,

1 is that it?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. Thank you. You may step down.

4 PROSPECTIVE JUROR: Okay.

5 THE COURT: Good morning. May I have your name,  
6 please?

7 PROSPECTIVE JUROR: Laura Younger.

8 THE COURT: What if anything have you seen or read or  
9 heard or know about this case?

10 PROSPECTIVE JUROR: I seem to remember reading about  
11 James Foley, because the name struck me. And I thought he was  
12 an aid worker who got kidnapped and held hostage and later  
13 killed. I do not remember any other particulars about it.

14 THE COURT: Have you formed any opinion about this case  
15 of any sort?

16 PROSPECTIVE JUROR: No, not really.

17 THE COURT: Do you feel you can put aside anything  
18 you've read about this case, and judge this case solely on the  
19 basis -- and judge it fairly and impartially solely on the basis  
20 of what you see and hear presented here in the courtroom and the  
21 Court's instructions on the law?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Am I correct that your source of  
24 information, was it newspapers or internet?

25 PROSPECTIVE JUROR: I think newspaper.

1 THE COURT: Local newspaper?

2 PROSPECTIVE JUROR: I don't think so. It would have  
3 been the *Washington Post*.

4 THE COURT: All right. Any other source?

5 PROSPECTIVE JUROR: Possibly PBS news. I watch the BBC  
6 news on PBS.

7 THE COURT: Let me ask you again, have you formed any  
8 opinion about what you heard?

9 PROSPECTIVE JUROR: No.

10 THE COURT: Now, you understand that what you heard is  
11 not evidence in the case?

12 PROSPECTIVE JUROR: Understood.

13 THE COURT: And do you feel you can put aside  
14 everything you've heard, and judge this case fairly and  
15 impartially based only on the evidence and the Court's  
16 instructions on the law?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Thank you. You may return to your seat.  
19 Good morning. Do you hear me?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: May I have your name, please?

22 PROSPECTIVE JUROR: Kristina Brown.

23 THE COURT: Ms. Brown, what if anything have you seen  
24 or read or heard, or know anything about, relating to this case?

25 PROSPECTIVE JUROR: Well, I feel bad, but it was all

1 over the news about James Foley, the murder. They beheaded him,  
2 and his parents thought he was still alive while they were still  
3 trying to extort money from his parents.

4 THE COURT: All right. And where did you see this  
5 news?

6 PROSPECTIVE JUROR: I was a huge Fox News fan for a  
7 long time, so on the TV news and on any Facebook news feeds that  
8 I read.

9 THE COURT: And what kinds of Facebook news feeds do  
10 you read?

11 PROSPECTIVE JUROR: Breitbart, Daily Wire. I followed  
12 different people, Benny Johnson, Ben Shapiro.

13 THE COURT: All right. You understand none of that  
14 that you've read or seen has anything to do with the evidence in  
15 this case?

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: It is not evidence in this case. Do you  
18 understand that?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And do you understand that you need to put  
21 aside everything you've read or heard about this case, and judge  
22 this case fairly and impartially based on the evidence that you  
23 see and hear presented in the courtroom?

24 PROSPECTIVE JUROR: Okay. I just wanted to be fair  
25 when you asked if any of us had seen anything.

1 THE COURT: Yes, you've done exactly right. You've  
2 brought to my attention that you have, and you've told me about  
3 the sources. And that's perfectly appropriate. That's exactly  
4 what you should do.

5 But now I'm pointing out to you that what you've seen  
6 or read or heard outside the courtroom is not evidence in the  
7 case. Do you understand that?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: And do you understand that in order for you  
10 to be able to sit as a juror in this case, you have to put aside  
11 everything that you've seen or read or heard or know about this  
12 case? Do you understand that?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Do you think you can do that?

15 PROSPECTIVE JUROR: I will try. I just remember his  
16 parents. So I will do my best. I want to say that I can.

17 THE COURT: Well, when I say "put aside," you can only  
18 take into account, in rendering a fair and an impartial verdict,  
19 the evidence you see and hear in this courtroom. Do you feel  
20 you can do that?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: So that would mean you would have to put  
23 aside everything you've seen or read or heard or know about this  
24 case, and judge it only on the basis of the evidence you see and  
25 hear presented in this courtroom. Do you feel you can do that?

1 PROSPECTIVE JUROR: Yes.

2 THE COURT: All right. Thank you.

3 Good morning, sir. Can you hear me?

4 PROSPECTIVE JUROR: I can hear you.

5 THE COURT: What is your name, please?

6 PROSPECTIVE JUROR: My name is Robert Pumo, P-U-M-O.

7 THE COURT: Mr. Pumo, what have you seen or read or  
8 heard, or know anything from any source, about this case?

9 PROSPECTIVE JUROR: I mean, I followed it fairly  
10 closely based on the nature of my work, but that was just public  
11 information. My wife during that period worked in the Office of  
12 the Secretary of Defense as a public affairs officer, a press  
13 officer. In several of those years her focus was on the  
14 counter-ISIS coalition. So we didn't discuss anything beyond  
15 what was publicly accessible, but it was sort of a constant  
16 presence, for lack of a better term.

17 THE COURT: And you work for the Bureau of Diplomatic  
18 Security?

19 PROSPECTIVE JUROR: Yes, Your Honor.

20 THE COURT: And for whom does your wife work?

21 PROSPECTIVE JUROR: She currently works for the  
22 Department of the Navy. She's since changed jobs.

23 THE COURT: And what was her job at the time?

24 PROSPECTIVE JUROR: At the time she was a press officer  
25 in the Office of the Secretary of Defense.



1 THE COURT: Now, you understand everything you have  
2 heard either from your wife or from any source is not evidence  
3 in this case?

4 PROSPECTIVE JUROR: Absolutely, Your Honor.

5 THE COURT: And do you also understand that a verdict  
6 in this case must be solely on the evidence presented here in  
7 the courtroom and the Court's instructions on the law?

8 PROSPECTIVE JUROR: I do, Your Honor.

9 THE COURT: Do you feel you can put aside everything  
10 you've heard from your wife or from anybody else concerning this  
11 case, and judge this case solely on the basis of the evidence  
12 presented here in the courtroom and the Court's instructions on  
13 the law?

14 PROSPECTIVE JUROR: I do, Your Honor.

15 THE COURT: All right. Thank you, sir. You may return  
16 to your seat.

17 Good morning, sir. Can you hear me?

18 PROSPECTIVE JUROR: Yes, I can hear you.

19 THE COURT: What is your name?

20 PROSPECTIVE JUROR: My name is Aaron Nguyen,  
21 N-G-U-Y-E-N.

22 THE COURT: Mr. Nguyen, what have you seen or read or  
23 heard, or know about this case, from any source?

24 PROSPECTIVE JUROR: So the -- I've heard  
25 specifically -- I specifically recall the case of the kidnapping

1 and killing of James Foley from the news back in the day.

2 THE COURT: All right. When you say "from the news  
3 back in the day," are you talking about newspapers?

4 PROSPECTIVE JUROR: It was on the news, and C-SPAN, I  
5 usually watch that.

6 THE COURT: All right. You understand that what you've  
7 heard is not evidence in this case. Do you understand that?

8 PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: And do you understand that the verdict in  
10 this case by a jury must be based solely on the evidence  
11 presented in this case, in this courtroom? Do you understand  
12 that?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: Do you feel you can put what you've heard  
15 and know about this case to one side, and judge this case fairly  
16 and impartially based only on the evidence and the Court's  
17 instructions on the law?

18 PROSPECTIVE JUROR: That I'm not sure, sir.

19 THE COURT: All right. Tell me why you're not sure.

20 PROSPECTIVE JUROR: Most of my career I worked for  
21 federal government, and I was in the military service as well.  
22 So I'm not sure if this particular case I'll be impartial.

23 THE COURT: All right. Tell me more. Why do you think  
24 you could not be impartial?

25 PROSPECTIVE JUROR: Just at that time when I saw it, it

1 just was something that I didn't feel right about. And I  
2 just -- due to my service to my country.

3 THE COURT: Thank you. Could you remove your  
4 earphones, please.

5 Counsel, any objection to my striking this juror?

6 MR. FITZPATRICK: None from the government, Your Honor.

7 THE COURT: And Mr. MacMahon?

8 MR. MACMAHON: None from the defense.

9 THE COURT: All right. He is stricken.

10 Thank you, sir, you may return to your seat.

11 Good morning, sir. Can you hear me?

12 PROSPECTIVE JUROR: I can hear you.

13 THE COURT: What is your name, please, sir?

14 PROSPECTIVE JUROR: James Hanover.

15 THE COURT: Mr. Hanover, which question do you have an  
16 answer to?

17 PROSPECTIVE JUROR: Regarding media coverage.

18 THE COURT: Yes.

19 PROSPECTIVE JUROR: So there was a great deal of media  
20 coverage surrounding Kayla Mueller and the fact that she was a  
21 humanitarian worker. That stayed with me. And I vaguely  
22 remember the name Sotloff and Foley. The other name I don't  
23 remember in terms of just watching international news.

24 I am employed by Konica Minolta Business Solutions, a  
25 Japanese based company with a significant U.S. operation, in

1 document management, document handling, office products.

2 THE COURT: Now, you understand that what you've seen  
3 or read in the media, or anywhere, is not evidence in this case?

4 PROSPECTIVE JUROR: I do. I just -- yeah, I just  
5 wanted to point that out.

6 THE COURT: Do you also understand that the verdict in  
7 this case must be based solely on evidence presented here, and  
8 the Court's instructions on the law?

9 PROSPECTIVE JUROR: I do understand, Your Honor.

10 THE COURT: Do you feel you can put to one side  
11 everything you've seen or read about this case, and judge this  
12 case fairly and impartially as a juror based only on the  
13 evidence that is actually presented in the courtroom and the  
14 Court's instructions on the law?

15 PROSPECTIVE JUROR: The crimes are very serious, but  
16 knowing that, I would certainly hope that if I were ever in a  
17 position like that, that I would have an impartial jury. So  
18 yes.

19 THE COURT: All right.

20 PROSPECTIVE JUROR: Not that I would be.

21 THE COURT: Well, independently of the seriousness of  
22 the crime, are you clear that you can put it to one side and be  
23 fair and impartial in this case, and judge this case solely on  
24 the basis of the evidence presented here and the Court's  
25 instructions on the law?

1 PROSPECTIVE JUROR: Yes, Your Honor, I do believe so.  
2 But I would also state that I think that virtually everyone in  
3 this courtroom, unless they've been living with their head under  
4 a rock the past 10 years, must have heard about this case in the  
5 media.

6 THE COURT: All right. Thank you. You may return to  
7 your seat.

8 Good morning, sir.

9 PROSPECTIVE JUROR: Good morning.

10 THE COURT: Can you hear me?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: What is your name, please sir?

13 PROSPECTIVE JUROR: Joe Pimenta.

14 THE COURT: Mr. Pimenta, what have you seen or read or  
15 heard, or know about this case, from any source whatever?

16 PROSPECTIVE JUROR: None whatsoever. I haven't heard  
17 anything like that. I'm actually concerned with the third  
18 question about Iraq. I was deployed twice.

19 THE COURT: When?

20 PROSPECTIVE JUROR: 2003 and -- 2004 and 2008.

21 THE COURT: All right. So you were not in Iraq, then,  
22 in 2012 or '13?

23 PROSPECTIVE JUROR: No. The only thing I was just  
24 going to say I have concerns because I still communicate with my  
25 workers from when I was in Iraq.

1 THE COURT: And what is your work, please, sir, and why  
2 were you in Iraq?

3 PROSPECTIVE JUROR: I was with the Army Corps of  
4 Engineers.

5 THE COURT: And are you still with the Army Corps of  
6 Engineers?

7 PROSPECTIVE JUROR: I'm retired.

8 THE COURT: And were you in Syria or just Iraq?

9 PROSPECTIVE JUROR: Well, I was in Syria years ago, but  
10 not during that time.

11 THE COURT: All right. And what was your work in Iraq  
12 at that time? That is, 2004 through 2012, or whenever you were  
13 there?

14 PROSPECTIVE JUROR: I ran an ISR team, Intelligence,  
15 Surveillance, and Reconnaissance team. We were mapping the  
16 country and we were actually mapping targets for the soldiers.

17 THE COURT: You say you ran a what team?

18 PROSPECTIVE JUROR: Intelligence, surveillance, and  
19 reconnaissance team.

20 THE COURT: Do you feel that that work would prevent or  
21 hinder you in any way from rendering a fair and an impartial  
22 verdict in this case based only on the evidence --

23 PROSPECTIVE JUROR: No.

24 THE COURT: Based only on the evidence and the Court's  
25 instructions on the law?

1 PROSPECTIVE JUROR: No.

2 THE COURT: Let me ask you, since you're here - and  
3 when I ask it later, you need not come forward - have you  
4 personally had any contact of any kind whatsoever with ISIS or  
5 any member of ISIS?

6 PROSPECTIVE JUROR: No.

7 THE COURT: All right. Thank you, sir. Is there any  
8 reason that suggests itself to you, now that you know the nature  
9 of this case, that you would be unable to sit, listen carefully  
10 to the evidence, and render a fair and an impartial verdict  
11 based only on the evidence and the Court's instructions on the  
12 law?

13 PROSPECTIVE JUROR: I wouldn't have any problem.

14 THE COURT: Thank you, sir. You may step down.  
15 Good morning. Can you hear me?

16 PROSPECTIVE JUROR: Yes, I can.

17 THE COURT: May I have your name, please, ma'am?

18 PROSPECTIVE JUROR: Amanda Thomas.

19 THE COURT: Ms. Thomas, what have you seen or read or  
20 heard, or know anything at all, about this case?

21 PROSPECTIVE JUROR: I vaguely remember an aid worker  
22 named Mueller being killed outside of the United States, and I  
23 just wanted to make sure that what I'm recalling may not have  
24 anything to do with this case.

25 THE COURT: Well, what you heard is not evidence in

1 this case. You understand that?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: So in that regard, it has nothing to do  
4 with the trial of this case. Because this case is to be decided  
5 solely on the basis of evidence presented here in this  
6 courtroom. Do you understand that?

7 PROSPECTIVE JUROR: Yes, Your Honor.

8 THE COURT: Do you feel you can put to one side  
9 anything you may have heard about this case, and judge this case  
10 fairly and impartially based only on the evidence and the  
11 Court's instructions on the law?

12 PROSPECTIVE JUROR: Yes, Your Honor.

13 THE COURT: Any other answers to the questions I put to  
14 you?

15 PROSPECTIVE JUROR: No, Your Honor.

16 THE COURT: Thank you, Ms. Brown [sic]. You may return  
17 to your seat.

18 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

19 THE COURT: All right, ladies and gentlemen. That  
20 completes the first list, the first group of questions that I  
21 asked you, or that I needed to ask you. I'm now going to go to  
22 the second group of questions. Remember, if you have --

23 (OFF THE RECORD.)

24 THE COURT: I think that's perfectly reasonable and  
25 appropriate.



1           What I will do is take a 10-minute recess, give you an  
2           opportunity to have -- let's make it 15 minutes, because the  
3           facilities may be taxed. I will ask the lawyers, you have the  
4           ability to go to another floor. Please do so. And we will  
5           reconvene at, let's make it 11 o'clock. That should give  
6           everybody an opportunity to use the facilities.

7           And I have -- yes, is there a hand that went up? No.  
8           Then I will continue the voir dire process, because I have a  
9           number of other questions to ask you.

10          All right. Court stands in recess until 11 o'clock.

11          (Recess taken at 10:40 a.m.)

12          THE COURT: I'm advised by the deputy clerk that the  
13          government wants me to know that the correct pronunciation of  
14          Kassig is Ka-sig, not Kay-sig. So I'll endeavor to get it  
15          right. But I'm sure everyone understood that when I said  
16          Kay-sig, I was referring to Ka-sig.

17          We will continue now in the voir dire process. I have  
18          another group of questions to ask you, ladies and gentlemen.  
19          Have you or any member of your family, so far as you know, had  
20          any business or social dealings or contact with ISIS or any  
21          member of ISIS?

22          Next, have you or any member of your family, so far as  
23          you know, had any business or social dealings or contacts with  
24          any members of the Syrian Defense Force, SDF.

25          And have you or any member of your family, so far as

1 know, had any contact or been involved in any way with a  
2 designated Foreign Terrorist Organization, or any members of  
3 that?

4 And the third question -- I will ask a fourth one.  
5 Have you or any member of your family ever been kidnapped or  
6 held hostage by anyone for ransom or for any other reason?

7 If your answer is yes to any of those questions, come  
8 forward. There are no affirmative answers to those questions.  
9 Is that correct?

10 Let me go to the next group. Have you or any member of  
11 your family worked for a charitable aid organization or a media  
12 organization in Iraq or Syria between 2012 and 2019?

13 Have you or any member of your family served in the  
14 United States Armed Forces, or with any government agency, in  
15 Iraq or Syria between 2012 and 2019?

16 And the final question in this group is, do you have  
17 the ability to speak or to understand the Arabic or Kurdish  
18 languages? Any affirmative answers to those questions?

19 (BENCH CONFERENCE ON THE RECORD.)

20 THE COURT: Can you hear me?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: What is your name, please?

23 PROSPECTIVE JUROR: Laura Younger.

24 THE COURT: Let me check, since my equipment is only  
25 now working. Mr. Fitzpatrick, can you hear me?

1 MR. FITZPATRICK: Yes, sir.

2 THE COURT: Mr. MacMahon, can you hear me?

3 MR. MACMAHON: Yes, sir.

4 THE COURT: All right. Thank you.

5 Ms. Younger, which question do you have an affirmative  
6 answer to?

7 PROSPECTIVE JUROR: The Armed Forces serving in Iraq.

8 THE COURT: Yes, ma'am.

9 PROSPECTIVE JUROR: My ex-husband served several times  
10 in Iraq. And I think he went back in 2012, but he was also in  
11 Jordan.

12 THE COURT: And this is your former husband?

13 PROSPECTIVE JUROR: Correct.

14 THE COURT: And how long has he been your former  
15 husband?

16 PROSPECTIVE JUROR: Nine years.

17 THE COURT: So he's been your former husband since  
18 about 2012. Is that correct?

19 PROSPECTIVE JUROR: Correct. Correct.

20 THE COURT: Do you feel that having an ex-husband, as  
21 you've described him -- was he in the Armed Services?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Do you feel having an ex-husband, as you've  
24 described him, would prevent or hinder you in any way from  
25 rendering a fair and an impartial verdict in this case based

1 only on the evidence and the Court's instructions on the law?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Thank you. You may return to your seat.

4 Can you hear me?

5 PROSPECTIVE JUROR: Yes, Your Honor.

6 THE COURT: May I have your name, please, sir?

7 PROSPECTIVE JUROR: Robert Pumo.

8 THE COURT: P-U-M-O.

9 PROSPECTIVE JUROR: Yes, Your Honor.

10 THE COURT: Which of the questions do you have an  
11 affirmative answer to?

12 PROSPECTIVE JUROR: To working in Iraq.

13 THE COURT: Yes, sir.

14 PROSPECTIVE JUROR: So between the years of 2011 to  
15 2014, I spent a total of, let's say, a year, a little over a  
16 year, in Iraq with the State Department. This was trips, we  
17 called them TDYs, approximately two weeks to two months at a  
18 time. Basra, Baghdad, Mosul.

19 THE COURT: None of those is in Syria. Is that  
20 correct?

21 PROSPECTIVE JUROR: No, I have not been to Syria.

22 THE COURT: And what were your duties and  
23 responsibilities in Iraq?

24 PROSPECTIVE JUROR: So my work there at the time was to  
25 support federal agents overseeing embassy security. It was

1 primarily compliance and oversight of personal protection, which  
2 is the bodyguard services, static security, and emergency  
3 response teams, for lack of a better term.

4 THE COURT: Do you feel there's anything about your  
5 service in Iraq during that period of time that you think would  
6 prevent or hinder you in any way from rendering a fair and an  
7 impartial verdict in this case based only on the evidence  
8 presented and the Court's instructions on the law?

9 PROSPECTIVE JUROR: No, Your Honor.

10 THE COURT: Thank you, sir. Do you have answers to any  
11 other questions I put to you?

12 PROSPECTIVE JUROR: No, just that one.

13 THE COURT: Thank you. You may return to your seat.  
14 Can you hear me?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: May I have your name, please?

17 PROSPECTIVE JUROR: Amanda Thomas.

18 THE COURT: Which question do you have an answer to?

19 PROSPECTIVE JUROR: My step grandson served in the  
20 U.S. Navy during the timeframe that you mentioned, I believe.

21 THE COURT: All right. Step grandson. Is that right?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: And what was his job in the Navy?

24 PROSPECTIVE JUROR: He worked for -- well, he was in a  
25 submarine, sir.

1 THE COURT: So he was on a submarine?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Do you feel that having a step grandson who  
4 was employed in that fashion during the period that I mentioned  
5 would prevent or hinder you in any way from rendering a fair and  
6 an impartial verdict in this case?

7 PROSPECTIVE JUROR: No, sir.

8 THE COURT: He was not physically in Iraq or Syria, was  
9 he?

10 PROSPECTIVE JUROR: No, he was in Hawaii.

11 THE COURT: Hawaii. Oh, I see. All right. And he was  
12 on a submarine?

13 PROSPECTIVE JUROR: He was on a submarine.

14 THE COURT: Thank you. Do you have affirmative answers  
15 to any of the other questions I asked?

16 PROSPECTIVE JUROR: No.

17 THE COURT: Thank you. You may step down.  
18 Can you hear me?

19 PROSPECTIVE JUROR: Yes, I can.

20 THE COURT: What is your name?

21 PROSPECTIVE JUROR: Anne Fay.

22 THE COURT: Ms. Fay, let's see, which question do you  
23 have an answer to?

24 PROSPECTIVE JUROR: I really would like the third  
25 question repeated. I need to know the dates.

1 THE COURT: Yes, of course. The third question was, do  
2 you have an ability to speak --

3 PROSPECTIVE JUROR: No, no.

4 THE COURT: -- Arabic or Kurdish.

5 PROSPECTIVE JUROR: Then it was the second question.

6 THE COURT: And I think there was a third. So let me  
7 repeat that question. I put two questions together. Have you  
8 or any member of your family served in the United States Armed  
9 Forces, or with any government agency, in Iraq or Syria between  
10 2012 and 2019?

11 PROSPECTIVE JUROR: Okay, I'm not sure about the date.  
12 It might be after that. It might be 2020. But my son is  
13 working -- he's a pilot, and he's working for a contractor who  
14 deploys -- he goes to Iraq every, like, six months or  
15 four months for a few months.

16 THE COURT: So he is employed by a government  
17 contractor as a pilot?

18 PROSPECTIVE JUROR: I don't know what kind of a  
19 contractor it is. He doesn't tell us anything about it, he just  
20 said he's flying for a contractor.

21 THE COURT: I see. Do you feel that having a son so  
22 employed would prevent or hinder you in any way from rendering a  
23 fair and an impartial verdict in this case based only on the  
24 evidence and the Court's instructions?

25 PROSPECTIVE JUROR: Absolutely not. No, I don't.

1 THE COURT: Thank you. Do you have any other answers  
2 to give me?

3 PROSPECTIVE JUROR: No.

4 THE COURT: Okay. Thank you. You may step down.

5 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

6 THE COURT: I will go to the next group, and this is  
7 the -- either the final or penultimate group, to give you a  
8 sense of where we are in this process.

9 The defendant in this case is an adherent of the Muslim  
10 faith. Is there anything about that fact which would prevent or  
11 hinder you in any way from serving as a fair and an impartial  
12 juror, and rendering a fair and an impartial verdict based only  
13 on the evidence presented and the Court's instructions on the  
14 law? That's the first question.

15 The second question is, the trial of this case may last  
16 as long as three, perhaps, conceivably, four weeks. And I want  
17 to know whether there is anything about the length of this trial  
18 that would prevent or hinder you from serving as a juror for  
19 that length of time, and whether there is any physical reason  
20 why you would not be able to sit and pay careful and close  
21 attention to the evidence as it is presented, and render a fair  
22 and an impartial verdict based on the evidence presented and the  
23 Court's instructions.

24 And the final question is a sort of cleanup. Is there  
25 anything in any question that I have asked, or anything about



1 the nature of the case, now that I have read to you what the  
2 charges are, that you think would prevent or hinder you in any  
3 way from rendering a fair and an impartial verdict based only on  
4 the evidence and the Court's instructions on the law? If you  
5 have an affirmative answer to any of those questions, come  
6 forward and the court security officer will have you come  
7 forward to give your answers in the privacy of the witness box.

8 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

9 THE COURT: Good morning. Can you hear me?

10 PROSPECTIVE JUROR: Yes.

11 THE COURT: May I have your name, please?

12 PROSPECTIVE JUROR: My name is Louise Driggers.

13 THE COURT: Yes, Ms. Driggers. You're a registered  
14 nurse?

15 PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Do you have an area of specialty?

17 PROSPECTIVE JUROR: I work in primary care.

18 THE COURT: Tell me which questions you have an  
19 affirmative answer to.

20 PROSPECTIVE JUROR: The length of service. I was  
21 concerned about for travel plans in mid May, and being away from  
22 work in a critical staffing situation for work.

23 THE COURT: Let's take those one at a time. I do not  
24 believe this case will last until mid May. If it does, I can  
25 tell you that I can't be here in mid May. That may give you a

1 clue. So I don't think it will last until mid May.

2 On the other hand, let me hear from you on your  
3 problems about staffing. But let me preface your answer by  
4 telling you that I am very much aware of the fact that jury  
5 service, for that length of time, especially, is a substantial  
6 imposition and inconvenience that we expect people will have to  
7 accommodate, because we do have cases that last that long and  
8 juries are vital to the functioning of our society. But by no  
9 means do I mean to suggest to you that I don't think it is a  
10 very big inconvenience.

11 Now, employers have to accommodate that. They're  
12 required by law. If an employer interferes with a juror's  
13 service, that can be a felony by the employer. So it's very  
14 important. That doesn't mean that in some circumstances we  
15 couldn't try to accommodate the inconvenience. What is yours?

16 PROSPECTIVE JUROR: Just at my place of work, I'm at a  
17 critical level of staffing, so having another nurse out would be  
18 very hard.

19 THE COURT: What is your place of work?

20 PROSPECTIVE JUROR: Kaiser Permanente, in internal  
21 medicine. And I'm sure they would be supportive if it's needed,  
22 but it's just a concern that I have.

23 THE COURT: Yes. Well, I appreciate you bringing that  
24 to my attention, and you may not be selected. But if you are  
25 selected, I will ask that you and your employer make whatever

1 arrangements may be necessary to accommodate your jury service.

2 PROSPECTIVE JUROR: Okay. Thank you.

3 THE COURT: Thank you for bringing all of that to my  
4 attention.

5 PROSPECTIVE JUROR: The last item is from the first  
6 group of questions, as far as if I had seen this in the media,  
7 anything about this case. I don't think I have, but I'm  
8 concerned that as more details come out, it might be that I have  
9 recalled details from the media.

10 THE COURT: All right. It's appropriate for you to  
11 make that observation. You understand that anything you may  
12 have seen or read or heard outside this courtroom about this  
13 case is not evidence in this case? Do you understand that?

14 PROSPECTIVE JUROR: Yes, sir.

15 THE COURT: And you understand that if you are selected  
16 as a juror, you will have to render a fair and an impartial  
17 verdict based only on the evidence in this case? Do you  
18 understand that?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: Do you feel that you will be able to put  
21 aside anything you may have seen or read or heard about this  
22 case, and judge this case fairly and impartially based only on  
23 the evidence and the Court's instructions on the law?

24 PROSPECTIVE JUROR: Yes, sir.

25 THE COURT: Thank you. You may return to your seat.

1 Can you hear me?

2 PROSPECTIVE JUROR: I can.

3 THE COURT: Good. May I have your name, please?

4 PROSPECTIVE JUROR: Deborah Wintermute.

5 THE COURT: Which questions do you have an affirmative  
6 answer to?

7 PROSPECTIVE JUROR: It's clarity on the question about  
8 the length of the trial, the three to four weeks.

9 THE COURT: Yes, ma'am.

10 PROSPECTIVE JUROR: So I have procedures scheduled for  
11 the end of April, as well as my parents - I'm a driver for  
12 them - for their procedures at the beginning of May. So I don't  
13 know when the trial would start.

14 THE COURT: Well, the trial has started.  
15 Ms. Wintermute, you say you have procedures scheduled for May?

16 PROSPECTIVE JUROR: Well, my procedure is scheduled for  
17 April 21st.

18 THE COURT: And this is a personal procedure?

19 PROSPECTIVE JUROR: Yes, it is.

20 THE COURT: All right. Ms. Wintermute, I want to be as  
21 delicate as I can, and I don't want to intrude on your personal  
22 medical situation. But can you tell me anything that gives me a  
23 sense of how important or urgent this medical procedure is for  
24 you?

25 PROSPECTIVE JUROR: It's a routine procedure, but I had

1 to wait three months to get the initial consult, and then I  
2 booked the procedure at the later part of April thinking that  
3 the trial, if I was chosen, would only be a couple of weeks.  
4 They were trying to get me in earlier, but I booked it. So I  
5 just don't know if I have to reschedule, how long it would take  
6 to get it rescheduled.

7 THE COURT: And when is it currently scheduled for?

8 PROSPECTIVE JUROR: April 21st.

9 THE COURT: Ms. Wintermute, you may not be selected.  
10 If you are, I will ask you to try to reschedule it.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: Because it's very likely that by the 21st  
13 we will be at the end or close to the end of this trial, but may  
14 not be at the end.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Thank you. And I appreciate your bringing  
17 that to my attention.

18 Now, you also told me that you have --

19 PROSPECTIVE JUROR: That would be the first part of  
20 May, May 2nd and 3rd. So as long as we're over by the end of  
21 April, I'll be good on that one.

22 THE COURT: That one is for your parents?

23 PROSPECTIVE JUROR: Yes. I'm the driver for my dad's  
24 surgery.

25 THE COURT: Are you the only driver?

1 PROSPECTIVE JUROR: I am the only child, and my mother  
2 does not drive.

3 THE COURT: If this case were to carry on beyond the  
4 first of May, let's say the first week -- and I can tell you  
5 that I don't plan for it to do so. Indeed, I cannot be here  
6 into May, and will not be here for similar type reasons. So I  
7 don't plan for that to happen, but the 1st or 2nd of May is  
8 possible. You may not be selected, but, if you are, I'll ask  
9 you to see if you can make some other arrangements for those two  
10 dates.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: Thank you for your consideration.

13 PROSPECTIVE JUROR: Thank you.

14 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

15 THE COURT: Ladies and gentlemen, just so I can plan,  
16 show me how many of you have affirmative answers to that last  
17 group of questions that have not come forward yet, so I can have  
18 a sense of how much more I have. 10. Thank you.

19 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

20 THE COURT: Can you hear me? Tell me your name,  
21 please.

22 PROSPECTIVE JUROR: Jiyoun Yoo.

23 THE COURT: All right. And Ms. Yoo, which questions do  
24 you have an affirmative answer to?

25 PROSPECTIVE JUROR: I'm sorry, what was your question

1 again, Your Honor?

2 THE COURT: Yes. I gave you three or four questions a  
3 moment ago. Which of those do you have an affirmative answer  
4 to?

5 PROSPECTIVE JUROR: From the jury information sheet, I  
6 thought it would take one or three days. But actually, I'm the  
7 only accountant who works for my company, and I need to do the  
8 financial statements because it is a quarterly statement to do.  
9 So if I cannot work, then it's going to be a really big problem  
10 for us, because I have to submit the financial statements to our  
11 parent company in Korea so they can see all these statements.

12 THE COURT: Let me see if I understand what you've  
13 said. You are an accountant who works for a company. Are you  
14 the only accountant?

15 PROSPECTIVE JUROR: Actually, I'm the treasurer for the  
16 biotech company, and I'm the only one who is in charge of the  
17 accounting. There is -- all the other members are researchers  
18 and not related to accounting. So I do all the work relating to  
19 accounting and finance, and this is really a busy time for us as  
20 the treasurer.

21 THE COURT: What's the name of your company?

22 PROSPECTIVE JUROR: SDCube Pharmaceuticals, Inc.

23 THE COURT: And how many employees does the company  
24 have?

25 PROSPECTIVE JUROR: Now, eight.

1 THE COURT: Eight?

2 PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: And you're the treasurer and the only  
4 accountant?

5 PROSPECTIVE JUROR: Yes. And all the other members are  
6 researchers, biotech researchers, and one counselor.

7 THE COURT: All right. Now, if you're selected - let's  
8 assume you would be selected - could your company make other  
9 arrangements?

10 PROSPECTIVE JUROR: I'm sorry, what was the question  
11 again?

12 THE COURT: Yes. You may not be selected, but if you  
13 are selected -- can you hear me, Ms. Yoo? Can you hear me?

14 PROSPECTIVE JUROR: I'm sorry, I think I need to  
15 adjust.

16 THE COURT: Can you hear me now?

17 PROSPECTIVE JUROR: Yeah.

18 THE COURT: You may not be selected, but if you are  
19 selected, I want to know whether your company can make other  
20 arrangements so that you could serve for as long as needed.

21 PROSPECTIVE JUROR: I'm sorry, I need to adjust again.  
22 I'm sorry, I missed the question again. So if I'm selected,  
23 what was the question again?

24 THE COURT: If you're selected, will your company be  
25 able to make other arrangements to substitute someone for your



1 work?

2 PROSPECTIVE JUROR: Oh, no, actually. Because I'm the  
3 one who handles all the accounting work. So if it is possible,  
4 can I postpone the jury work? Is it still possible for me to  
5 ask?

6 THE COURT: I will see. You may remove your earphones  
7 for a moment.

8 Mr. Fitzpatrick, what's the government's position?

9 MR. FITZPATRICK: No objection, Your Honor.

10 THE COURT: To excusing her?

11 MR. FITZPATRICK: Correct.

12 THE COURT: Mr. MacMahon?

13 MR. MACMAHON: No objection to excusing her either,  
14 Your Honor.

15 THE COURT: All right. She's excused.

16 You may return to your seat.

17 Can you hear me?

18 PROSPECTIVE JUROR: I can.

19 THE COURT: May I have your name, please?

20 PROSPECTIVE JUROR: Lynn Franco.

21 THE COURT: Ms. Franco, can you tell me which questions  
22 you have an affirmative answer to?

23 PROSPECTIVE JUROR: I have a health condition. I have  
24 non-Hodgkin's lymphoma. I have been in remission, but every six  
25 weeks I have to have infusion of immunoglobulin.

1 THE COURT: When is your next session?

2 PROSPECTIVE JUROR: April 6th.

3 THE COURT: And it's, of course, very important that  
4 you have that?

5 PROSPECTIVE JUROR: Yes, it is.

6 THE COURT: I understand that. April 6th, you say?

7 PROSPECTIVE JUROR: April 6th.

8 THE COURT: All right. Remove your earphones, if you  
9 would, please.

10 Mr. Fitzpatrick and Mr. MacMahon, any other questions  
11 for this person? But it seems to me that she has to get her  
12 treatment on April 6th, and on April 6th I would assume we will  
13 be knee deep in this matter.

14 Any reason why I shouldn't excuse her, Mr. -- either  
15 one of you?

16 MR. FITZPATRICK: No, Your Honor.

17 MR. MACMAHON: No, Your Honor.

18 THE COURT: All right. She is excused.

19 Thank you. You may step down.

20 Can you hear me?

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: May I have your name, please, sir?

23 PROSPECTIVE JUROR: Lucas Araujo.

24 THE COURT: Which questions do you have an answer to?

25 PROSPECTIVE JUROR: The one about the evidence being,

1       like -- I have a memory problem and ADHD.

2               THE COURT: All right. You're currently not employed.  
3       Is that right?

4               PROSPECTIVE JUROR: Yeah.

5               THE COURT: What was your previous employment?

6               PROSPECTIVE JUROR: I worked at Target for a little  
7       bit, but I was going to school and then I got off so I could try  
8       an ADHD medication for a little bit.

9               THE COURT: So apart from ADHD, do you have any other  
10      problem?

11              PROSPECTIVE JUROR: A reading disability. So when I  
12      read, I'm focusing more on reading rather than taking in the  
13      information.

14              THE COURT: And how does your ADHD manifest itself?

15              PROSPECTIVE JUROR: I shake my legs a lot and I twitch  
16      with my hands.

17              THE COURT: All right. As I indicated, this case may  
18      last three weeks. Do you feel you could sit and pay careful and  
19      close attention to the evidence for three weeks, and then render  
20      a fair and an impartial verdict based only on the evidence and  
21      the Court's instructions?

22              PROSPECTIVE JUROR: I'm not sure. I could sit for  
23      three weeks, but I'm not sure if, like, I could remember  
24      everything.

25              THE COURT: All right. And do you have a problem with

1 memory?

2 PROSPECTIVE JUROR: Yeah. Like when I read and stuff,  
3 I have a short-term memory problem so I forget a lot of the  
4 things that I read.

5 THE COURT: All right. Remove your earphones, if you  
6 would, please, sir, for just a moment.

7 Mr. Fitzpatrick and Mr. MacMahon, do you have any  
8 further information you think I should elicit from this person?

9 MR. FITZPATRICK: Not from the government, Your Honor.

10 MR. MACMAHON: Not from the defense.

11 THE COURT: And what's your view about excusing this  
12 person?

13 MR. FITZPATRICK: No objection to excusing this juror.

14 MR. MACMAHON: Same, Your Honor. I think he should be  
15 excused.

16 THE COURT: All right. He's excused. You may step  
17 down.

18 Can you hear me?

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: May I have your name, please, ma'am?

21 PROSPECTIVE JUROR: Sylvia Keys.

22 THE COURT: Yes, which questions do you have an  
23 affirmative answer to?

24 PROSPECTIVE JUROR: I just bought a house, and we're  
25 moving on April 20th. I don't have a problem serving on this

1 jury, but the 20th I would have to be off to move.

2 THE COURT: Well, you may not be selected, Ms. Keys.  
3 But if you are selected, I'll ask you to make whatever  
4 arrangements are necessary. Because you may have to be here on  
5 the 20th.

6 PROSPECTIVE JUROR: Okay. Okay. That's fine.

7 THE COURT: Thank you for bringing it to my attention,  
8 though. And rest assured, I'm intimately familiar with what  
9 happens when you buy a house and you're moving into it, and all  
10 the problems entailed there.

11 PROSPECTIVE JUROR: Uh-huh. But there are weekends to  
12 pack and take care of problems.

13 THE COURT: That's right. Thank you very much for  
14 bringing that to my attention.

15 PROSPECTIVE JUROR: Thank you.

16 THE COURT: May I have your name, please, sir?

17 PROSPECTIVE JUROR: Aaron Nguyen.

18 THE COURT: Yes, Mr. Nguyen. Which question do you  
19 have an affirmative answer to?

20 PROSPECTIVE JUROR: For the potential length of the  
21 trial, it will be very challenging to accommodate both at home  
22 and at work.

23 THE COURT: All right. Remove your earphones for a  
24 moment, please.

25 Mr. Fitzpatrick, Mr. MacMahon, my information is that I

1 have already stricken him. Is that correct?

2 MR. FITZPATRICK: That is correct.

3 THE COURT: Mr. MacMahon?

4 MR. MACMAHON: That's correct, Your Honor.

5 THE COURT: All right. Thank you. You may return to  
6 your seat.

7 Can you hear me, sir?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Which question do you have an affirmative  
10 answer to? First, give me your name, please, sir.

11 PROSPECTIVE JUROR: My name is Daniel Weinstein.

12 THE COURT: Which question do you have an affirmative  
13 answer to?

14 PROSPECTIVE JUROR: This would be for 2 and 3, in  
15 regards to the timing of the actual hearing. I will be  
16 traveling in and out of the state for the next few months,  
17 including my wedding celebration in early May that's been  
18 postponed two years due to COVID.

19 And then I cannot guarantee with 100 percent certainty  
20 that I can be objective, due to my brother-in-law's service in  
21 the Marines, two tours in Iraq, and air marshal, which is now  
22 Secret Service.

23 THE COURT: All right. You understand that the  
24 evidence you hear is the only evidence you can consider in this  
25 case? You understand that?

1 PROSPECTIVE JUROR: I understand. And if selected, I  
2 would go in with an open mind. I just cannot guarantee full  
3 impartiality just due to my brother-in-law and how close we've  
4 become.

5 THE COURT: Also, if you're selected, you will be  
6 instructed not to discuss this matter with anyone, including  
7 your brother-in-law. And he shouldn't talk to you about this  
8 case either.

9 PROSPECTIVE JUROR: Of course.

10 THE COURT: Does that give you any confidence that you  
11 can render a fair and an impartial verdict in this case?

12 PROSPECTIVE JUROR: Again, I would like to believe so,  
13 and I would say my certainty is I'm confident I can. I just  
14 want to be as forthcoming with the Court as possible.

15 THE COURT: I appreciate that. That's important.  
16 Remove your earphones for a moment.

17 Mr. Fitzpatrick, Mr. MacMahon, do you have any  
18 additional questions you think I should ask? Let's start with  
19 Mr. Fitzpatrick first, and then I will ask you as well.

20 MR. FITZPATRICK: No further questions from the  
21 government, Your Honor.

22 MR. MACMAHON: No further questions from the defense.

23 THE COURT: At the moment I don't see any reason to  
24 strike him, but if the parties are in agreement about it, I  
25 would be inclined to consider that.

1 MR. MACMAHON: If I may, Your Honor, go first. I think  
2 he should be stricken for cause. In fact, his first answer to  
3 you was that his brother was in the Air Force --

4 THE COURT: Before you go on, that's not going to do  
5 it. But let's see if there's agreement. If there's agreement,  
6 it's over.

7 MR. FITZPATRICK: The government agrees.

8 MR. MACMAHON: Thank you, Your Honor.

9 THE COURT: Yes, you may return to your seat, sir.  
10 Can you hear me?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: May I have your name, please?

13 PROSPECTIVE JUROR: Yes, Melanie Elizabeth De Cola.

14 THE COURT: Would you tell me which questions you have  
15 an affirmative answer to, please?

16 PROSPECTIVE JUROR: Yes. It was the very final one.

17 THE COURT: Yes.

18 PROSPECTIVE JUROR: So it hasn't happened to me or my  
19 family, but a very close friend of mine, her father was  
20 kidnapped and killed in Iraq in 2005. And it still affects me.  
21 He was in Iraq with a peace-keeping group, a Christian pacifist  
22 group, and he never came back and he never got a trial. And  
23 just hearing the names brought that back up for me.

24 THE COURT: Do you know who kidnapped him?

25 PROSPECTIVE JUROR: So it was 2005, and I believe it



1 was sort of a precursor to ISIS. I don't know if they called it  
2 ISIS. His name was Tom Fox.

3 THE COURT: All right. You understand that that matter  
4 has nothing whatever to do with this case?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: Do you feel you can put your experience in  
7 that case to one side and judge this case solely on the basis of  
8 the evidence presented here and the Court's instructions on the  
9 law?

10 PROSPECTIVE JUROR: Honestly, I'm not completely sure,  
11 just given my own reaction when the names were being called out.  
12 I would like to think so, but I can't honestly say.

13 THE COURT: All right. Could you remove your earphones  
14 for just a moment, please.

15 PROSPECTIVE JUROR: Sure.

16 THE COURT: All right. Mr. Fitzpatrick, do you have --  
17 I'll ask you and Mr. MacMahon if you any views on this  
18 particular prospective juror. As you can see, she was emotional  
19 and tearful.

20 MR. FITZPATRICK: We have no objection. We noticed  
21 that too.

22 MR. MACMAHON: No objection to striking this juror.

23 THE COURT: Thank you, ma'am, you may return to your  
24 seat.

25 Can you hear me, sir?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: May I have your name, please, sir?

3 PROSPECTIVE JUROR: Scott Johnson.

4 THE COURT: Which questions that I asked do you have an  
5 affirmative answer to?

6 PROSPECTIVE JUROR: The three to four week period.

7 THE COURT: Yes, sir.

8 PROSPECTIVE JUROR: I am professionally employed doing  
9 project-based work. I just don't know the impact of that on my  
10 work at this point in time. I'm an IT consultant.

11 THE COURT: Are you an independent contractor?

12 PROSPECTIVE JUROR: No, I'm not.

13 THE COURT: Do you work for a company?

14 PROSPECTIVE JUROR: I work for AbleVets, a wholly owned  
15 subsidiary of Cerner Corporation.

16 THE COURT: Can your employer make alternative  
17 arrangements?

18 PROSPECTIVE JUROR: I believe they could.

19 THE COURT: All right. You may not be selected. If  
20 you are, I will ask that you serve. Thank you for bringing that  
21 to my attention.

22 PROSPECTIVE JUROR: Throughout my professional career,  
23 I've made every effort to uphold and do what's needed of the  
24 country. So I would be honored to be selected, is what I'm  
25 saying.

1 THE COURT: All right. Thank you for calling that to  
2 my attention. You may return to your seat, sir.

3 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

4 THE COURT: Let me ask, how many more have answers to  
5 the questions that I haven't heard from? Four. So the original  
6 10 was a little shy of the actual number. That's all right.

7 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

8 THE COURT: Can you hear me, sir?

9 PROSPECTIVE JUROR: Can you hear me?

10 THE COURT: Yes, sir. What is your name, please?

11 PROSPECTIVE JUROR: John Donovan. Just the three to  
12 four weeks, just Fairfax County schools has spring break next  
13 week. I have a school aged daughter who's going to be out; only  
14 my wife will be there. We are expecting the possible imminent  
15 death of an aunt, which would mess up the childcare. I'll make  
16 the best arrangements I can to get somebody down here to watch  
17 the children, but it might be a situation where I have childcare  
18 issues.

19 THE COURT: Remove your earphones for a moment.

20 Mr. Fitzpatrick, I seem to recall other information  
21 from this individual that disabled him. Am I correct?

22 MR. FITZPATRICK: You're correct, Your Honor. And the  
23 parties have discussed, we're in agreement that he can be struck  
24 with cause. He has active cases with our office.

25 THE COURT: Yes, he is stricken.

1 Thank you, sir, you may return to your seat.

2 Can you hear me, sir? May I have your name, please,  
3 sir.

4 PROSPECTIVE JUROR: My name is Sean Larson.

5 THE COURT: Which questions do you have an affirmative  
6 answer to?

7 PROSPECTIVE JUROR: The time commitment, the three to  
8 four weeks. I'm an educator just about to get ready for state  
9 testing. Also, at my school I serve as the athletic director,  
10 so I have to be readily available because of weather changes or  
11 schedule changes.

12 THE COURT: Well, I certainly understand. You're a  
13 Prince William County public school teacher. Is that correct?

14 PROSPECTIVE JUROR: Yes, Your Honor.

15 THE COURT: What grade do you teach?

16 PROSPECTIVE JUROR: Eighth grade math.

17 THE COURT: All right. And you also have  
18 responsibilities in athletics. Is that right?

19 PROSPECTIVE JUROR: That is correct.

20 THE COURT: Well, I am not unfamiliar with the kinds of  
21 duties that you have. My wife was, for many years, a school  
22 teacher. So I understand all of that.

23 You may not be selected, but, if you are, I will ask  
24 that you and your school make whatever alternative arrangements  
25 may be necessary to accommodate your service. It's a civic

1 duty, and teachers of all groups should be aware that they  
2 really have to step up and do this. That doesn't mean,  
3 Mr. Larson, that I don't understand that this is rough on you,  
4 and it may even be hard on some students. There are some  
5 students I know who are counting on you to teach them what to do  
6 in certain mathematical situations. But they're going to have  
7 to step up if you're selected and get a substitute.

8 Thank you for bringing that to my attention. I don't  
9 want you to be in any way unaware of the fact that I do think  
10 what you do is very important, and I do think what you do is  
11 vital.

12 PROSPECTIVE JUROR: Thank you.

13 THE COURT: Can you hear me?

14 PROSPECTIVE JUROR: Yes, I can.

15 THE COURT: May I have your name, please.

16 PROSPECTIVE JUROR: Anne Fay.

17 THE COURT: Ms. Fay, which question do you have an  
18 affirmative answer to?

19 PROSPECTIVE JUROR: The, I think it's number two.  
20 Number two. I think it was the why I can't do this for a month.

21 THE COURT: Yes.

22 PROSPECTIVE JUROR: I'm the sole caretaker of my  
23 two-year-old twin granddaughters.

24 THE COURT: Well, you may not be selected, Ms. Fay, but  
25 if you are, can you make other arrangements? Are their parents

1 available?

2 PROSPECTIVE JUROR: Oh, they both teach. They're  
3 teachers.

4 THE COURT: Yes?

5 PROSPECTIVE JUROR: Yes, I could make other  
6 arrangements.

7 THE COURT: Because you're a retired teacher. Am I  
8 right?

9 PROSPECTIVE JUROR: Yes, I am.

10 THE COURT: And I'm married to a former teacher, so I  
11 know all about teaching. And I'm a veteran, since I -- a  
12 veteran of teachers, K through 18 or 20 of people who have  
13 taught me. And I know how important teaching is. But so is  
14 jury service.

15 PROSPECTIVE JUROR: I totally get that. I thought I  
16 would say that just in case.

17 THE COURT: You may not be selected, but if you are,  
18 Ms. Fay, I'll ask for you to make other arrangements.

19 PROSPECTIVE JUROR: All right.

20 THE COURT: How old are your twin granddaughters?

21 PROSPECTIVE JUROR: Two. They're fine. Quite a hoot.

22 THE COURT: I have grandchildren, but they're older  
23 than two. But I can remember when they were around two, and I  
24 made clear to my children that I'm a grandparent, not a parent;  
25 don't bring them around. I told them, don't bring him around

1 until he can mow the lawn.

2 PROSPECTIVE JUROR: That's good advice, actually.

3 THE COURT: Thank you for bringing that to my  
4 attention. You may return to your seat.

5 Can you hear me?

6 PROSPECTIVE JUROR: Yes, I can.

7 THE COURT: And your name?

8 PROSPECTIVE JUROR: Amanda Thomas.

9 THE COURT: Yes, ma'am. What question do you have an  
10 affirmative answer to?

11 PROSPECTIVE JUROR: I work for the Executive Office of  
12 the President, so I'm in the process of implementing  
13 President Biden's initiatives. So missing three to four weeks  
14 at work, it would be very difficult for me.

15 THE COURT: Yes, I can certainly understand that. But  
16 I think you and President Biden both can understand how  
17 important jury service is.

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: And all employers have to make adjustments.  
20 You may not be selected, but if you are, I'll ask that you make  
21 whatever arrangements are necessary.

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: Thank you for calling that to my attention.

24 All right. Counsel, I have completed my voir dire.

25 Now, based on what I've asked, Mr. Fitzpatrick, you didn't

1 submit any proposed voir dire so I assume you have nothing  
2 further to suggest that I ask of these persons?

3 MR. FITZPATRICK: That's correct, Your Honor.

4 THE COURT: Mr. MacMahon, you did submit voir dire. I  
5 reviewed it carefully, and I decided some of it was appropriate,  
6 some of it was not.

7 Now, based on what I've asked, do you feel there is  
8 anything I have not asked that it is important for me to ask in  
9 order to discover whether there's any impermissible bias that  
10 would disqualify any of these persons?

11 MR. MACMAHON: Your Honor, of course all of the  
12 questions we submitted we hoped the Court would ask. I would  
13 hope with some of these potential jurors, we haven't gone into  
14 detail about what they may have or may not have heard that  
15 Mr. Elsheikh or ISIS did that are the subject of this case. The  
16 Court didn't pry far enough into the media questions, given that  
17 we had jurors that had things that they remembered. Of course,  
18 there was an article in *The Post* just yesterday.

19 THE COURT: As a matter of fact, your co-counsel tried  
20 to bring to my attention an article in *The Post* today. I didn't  
21 read it, but it's not important whether I read it. What's  
22 important is whether they read it, and, even more important,  
23 whether they can put it to one side, and whether they understand  
24 that what this case is intended to be decided upon is the  
25 evidence that's presented here in the courtroom.



1           Is there a particular juror that you think did not give  
2           sufficient information? Because I think I made clear from each  
3           of those persons who said they had read or knew something about  
4           it that they could put it to one side.

5           MR. MACMAHON: Your Honor, I don't have a specific  
6           juror in mind. I think we would have motions to strike some of  
7           them based upon the answers that they gave.

8           THE COURT: Let's deal with it that way, then. I think  
9           I asked every juror who had information whether they could put  
10          it to one side, and they said they could. If there was a juror  
11          who said they couldn't, I ended up indicating to counsel that I  
12          would be inclined to strike them. And I did strike them.

13          Let me ask first from the government, does the  
14          government have any motions to strike for cause?

15          MR. FITZPATRICK: No, Your Honor.

16          THE COURT: All right. Mr. MacMahon, which jurors do  
17          you wish to have the Court consider whether they should be  
18          stricken for cause?

19          MR. MACMAHON: Number 7, Your Honor, Ms. Brown.

20          THE COURT: All right.

21          MR. MACMAHON: I think her answers to the questions,  
22          though she did end up in a place where she said she could do her  
23          best and try to be fair, she said they beheaded him, and "they  
24          did it," referring to the defendants in this case.

25          THE COURT: She did say that?

1           MR. MACMAHON: That's my recollection from my notes,  
2           Your Honor. After somebody says something like that, I don't  
3           think they can be rehabilitated to become a fair juror in the  
4           case.

5           THE COURT: Any objection to striking her for cause,  
6           Mr. Fitzpatrick?

7           MR. FITZPATRICK: Court's indulgence for one moment,  
8           Your Honor.

9           THE COURT: Yes.

10          MR. FITZPATRICK: Your Honor, with juror number 7, we  
11          would object to a strike for cause on that. Our notes indicate  
12          that she said "I want to be fair." The Court asked follow-up  
13          questions on that, on the fair and impartial standard, and she  
14          resolved at a place where she said she could be fair and  
15          impartial.

16          So we think she's a qualified juror. We don't think  
17          that's an appropriate cause strike, and the defense has their  
18          peremptory strikes available to them.

19          THE COURT: Yes, I'm aware of that. Just a moment.

20          All right. I'm going to grant the motion to strike  
21          number 7. I think it's a very close question, but I'm going to  
22          err on the side of the defendant in this case and strike that  
23          particular juror. She said she would try to do her best, but  
24          she did say she was aware of the beheading, and she made some  
25          other statements that the best of my memory are a sufficient

1 basis for striking.

2 All right. Who is your next person, Mr. MacMahon?

3 MR. MACMAHON: Number 33, Joseph Pimenta, Your Honor.

4 THE COURT: And what's the basis?

5 MR. MACMAHON: Just, there's two there. I think he was  
6 vague on his answers as to what media he was aware of. But  
7 his -- I just don't think he was paying full attention to what  
8 the Court said. But he also talked about deploying to Iraq, and  
9 things about workers in Iraq, in a way that should have been  
10 drawn in by some of the first questions that you asked. And I  
11 don't think that he was rehabilitated enough that he would be a  
12 fair and impartial juror in this case.

13 THE COURT: Mr. Fitzpatrick?

14 MR. FITZPATRICK: Your Honor, I don't recall him not  
15 answering the Court's questions. The issue is whether or not  
16 his service in Iraq in 2005, I believe is when he said he last  
17 served there, would render him biased towards the cause. I  
18 don't think that's the case. This case began in 2012. You  
19 know, his service seven years prior, there is nothing that he  
20 said that would demonstrate any bias. We shouldn't presume that  
21 because someone has served in that theatre, that they are  
22 therefore biased to this cause.

23 THE COURT: All right. Just a moment.

24 (OFF THE RECORD.)

25 THE COURT: All right. The motion to strike, what

1 number was that? That was number 33, that's Mr. Pimenta. The  
2 motion to strike Mr. Pimenta is denied. He was a  
3 Corps of Engineers person over there mapping Iraq from 2004 to  
4 2008, and nothing I heard in any of his answers would disqualify  
5 him.

6 MR. MACMAHON: Number 34, Pumo. Mr. Pumo gave us a lot  
7 of reasons to want to move to strike him. He's involved in  
8 diplomatic security and counterterrorism, he follows the media  
9 very closely, he worked in Iraq. He says he follows the press  
10 very closely in this case.

11 And then, of course, his wife, which he told us about,  
12 actually works in public affairs at the Pentagon, and she would  
13 be following all of this very closely, including following ISIS  
14 and others. And I just think that he was -- he's too close to  
15 the facts of this case, what happened to these hostages and  
16 otherwise, to be a fair and impartial juror, based on the  
17 answers that he very honestly gave to the Court.

18 THE COURT: Mr. Fitzpatrick?

19 MR. FITZPATRICK: Judge, on that last point, I would  
20 agree that he's close to the facts of this case. There were no  
21 answers elicited from that juror regarding any facts of this  
22 case. At bottom, his final response was, "I can be fair and  
23 impartial." That is the standard.

24 These jurors are sworn under oath to give truthful  
25 answers to the Court, and he said, after extensive questioning,

1 "I can be fair and impartial." I think that resolves the issue,  
2 from the government's point of view, Your Honor.

3 THE COURT: All right. I agree. I recall now his  
4 dialogue with the Court, and I think he persuaded me that he  
5 could be fair and impartial. So that motion to strike is  
6 denied.

7 Who is your next motion, Mr. MacMahon?

8 MR. MACMAHON: That's all, Your Honor.

9 THE COURT: All right. Now, here's how we will  
10 proceed. We cannot select a jury yet because we don't have  
11 enough. So we are going to have to proceed with the afternoon  
12 group of 50. I hope there will be 50. Let me double check to  
13 make sure.

14 (OFF THE RECORD.)

15 THE COURT: All right, counsel, I have stricken the  
16 following persons. I want you to check it to make sure I'm  
17 correct. Number 31, Nguyen; number 49, Yoo; number 15, Franco;  
18 number 2, Araujo; number 45, Weinstein; number 9, De Cola;  
19 number 11, Donovan; number 7, Brown.

20 Have I omitted anybody, Mr. Fitzpatrick? Do you want  
21 me to read them again?

22 MR. MACMAHON: If you could, please.

23 THE COURT: 31, Nguyen; 49, Yoo; 15, Franco; 2, Araujo;  
24 45, Weinstein; 9, De Cola; 11, Donovan; 7, Brown.

25 Any others, Mr. Fitzpatrick?

1 MR. FITZPATRICK: No, Your Honor.

2 THE COURT: Mr. MacMahon?

3 MR. MACMAHON: Not on our list, Your Honor. Thank you.

4 THE COURT: All right. So this is how we will proceed.

5 I'm going to excuse these people to lunch, and I'll have them  
6 return -- I think I'll have them return at 2 o'clock, maybe  
7 2:30. I'll think about that. And they're instructed not to  
8 speak to anybody about this case and don't allow anybody to  
9 speak to them about the case. Because there are reporters  
10 around, and I will warn them of that.

11 When they return, I will be involved in the voir dire  
12 of the remaining number. We need over 40 to clear, so we have  
13 how many in this group? 29. So we have 29 in this group.  
14 We're going to need at least 11 out of the next group in order  
15 to pick a jury, and I have some optimism that we can do that.

16 I'm now going to take us off the ear phones. I'm going  
17 to then tell the jurors something I don't do typically, but I  
18 will tell these jurors who are stricken that they're excused,  
19 they don't need to come back. And the remaining jurors, I will  
20 instruct that they are not to speak to anybody or to allow  
21 anybody to speak to them about the case, and I'll have them come  
22 back at 2:30 this afternoon.

23 And then we will proceed at that time to complete the  
24 voir dire for this new group, and then add whoever survives that  
25 to this group, and that will be the pool from which you will

1 select a jury. And you all can exercise your peremptory  
2 challenges.

3 All right. Any questions, Mr. Fitzpatrick?

4 MR. FITZPATRICK: No, Your Honor.

5 THE COURT: Mr. MacMahon?

6 MR. MACMAHON: No, Your Honor.

7 THE COURT: All right. Let's remove...

8 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

9 THE COURT: All right. Ladies and gentlemen, that  
10 completes the voir dire for this group at this time. But the  
11 jury selection process is not yet complete, because we have  
12 another group to deal with so that we have a sufficient number,  
13 so that jurors can be selected and counsel will have an  
14 opportunity to exercise their peremptory challenges.

15 But I will now tell you who is excused from this group.  
16 And when I excuse you, you need not return. If you are not  
17 excused, you must return at 2:30, and you'll have to go and find  
18 lunch somewhere. If you're selected as a juror, one bright spot  
19 is, your lunches will be provided for every day that you serve  
20 as a juror. Don't look for the Baked Alaska or the Pheasant  
21 Under Glass, but there will be other things that I think will be  
22 satisfying.

23 The following jurors are excused and need not return,  
24 and we thank you for your service today. We couldn't have  
25 proceeded without you. But you are excused, and you need not

1 return: 31, Nguyen; 49, Yoo; 15, Franco; 2, Araujo;  
2 45, Weinstein; 9, De Cola; 11, Donovan; 7, Brown.

3 Now, if I did not read your name, you must return at  
4 2:30. And when you return at 2:30, report on the third floor to  
5 the jury assembly room. You'll be greeted there by people who  
6 know what we're doing. And as soon as we're ready to have you  
7 rejoin the group up here, you'll be brought up here and we'll  
8 proceed to complete the jury selection process.

9 During this recess, those of you whose names I did not  
10 read - that is, those of you who must remain - you'll have to  
11 deal and get your own lunch, and be back by 2:30. Now, do not  
12 discuss this matter with anyone and do not allow anybody to  
13 discuss it with you. And I say that because there are members  
14 of the press and they're doing their job. They're trying to get  
15 information, and they may try to speak to you. Don't speak to  
16 them. And if they were here, I would tell them don't speak to  
17 these persons or you will excite my ire, which they shouldn't  
18 want to do.

19 Anyway, don't speak to anybody about this case, and  
20 I'll ask you about that when you do return. It's very important  
21 that you not speak to anybody about this case. Don't call up  
22 anybody, don't look up anything on the internet, don't look up  
23 anybody's name or anything. Stay completely free of any  
24 information about this case between now and the end of the jury  
25 selection process. And if you're selected, it will go on beyond



1 that. But it's important to the integrity of the process that  
2 you adhere to that instruction.

3 All right. So I will recess now. Those of you that I  
4 have read the names of, you know who you are. I'll read them  
5 one more time: Nguyen, Yoo, Franco, Araujo, De Cola, Donovan,  
6 and Brown. You may go home with our thanks. The rest of you,  
7 find lunch and be back at 2:30, and we will proceed with this  
8 matter at that time. Thank you for your appearance and your  
9 patience today. We'll move this along as quickly as we can.

10 All right. You may leave the courtroom at this time.

11 Ladies and gentlemen, I'm now going to recess until  
12 1 o'clock. That gives you 45 minutes to grab a bite. And when  
13 we begin again, we will have the second group here for the  
14 voir dire process.

15 Now, we had plenty of room in here for family members  
16 and others. I didn't start out that way because I had no idea  
17 how many people we would have in the courtroom. We still have a  
18 fairly large number in the afternoon group, so I will ask to  
19 keep the number in here to the voir dire to the jury panel. But  
20 I want to assure people who are on the 10th floor that once we  
21 select a jury, all of you can come down here rather than stay up  
22 there.

23 All right.

24 COURT SECURITY OFFICER: Judge, we have a juror who's  
25 not sure he's excused, and one that said he raised his hand and

1 he didn't come forward.

2 THE COURT: Bring them both back here, please.

3 The person who couldn't raise their hand, who's that?

4 COURT SECURITY OFFICER: Judge, these two need to know  
5 if they're excused.

6 THE COURT: Yes. You're number 7, Brown.

7 PROSPECTIVE JUROR: My ticket said 17, so I was  
8 confused. Thank you very much.

9 THE COURT: All right. Would you come forward, please.  
10 Come forward, if you would, please. Talking to him doesn't do  
11 any good.

12 PROSPECTIVE JUROR: I just wanted to make sure that...

13 THE COURT: All right. Be seated if you would, please.  
14 Take off your mask and tell me what your name is, please.

15 PROSPECTIVE JUROR: Jiyong Yoo. I think I heard my  
16 name was called, but I just --

17 THE COURT: Yes, you were number 49.

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: You're excused.

20 PROSPECTIVE JUROR: Thank you so much. I just wanted  
21 to confirm.

22 THE COURT: Is there anybody else out there in doubt?

23 COURT SECURITY OFFICER: No, Your Honor, that's it.

24 THE COURT: So I'm recessing now until 1 o'clock, at  
25 which time we will commence anew the voir dire process with this

1 new group.

2 COURT SECURITY OFFICER: Your Honor, we still have this  
3 juror here that said they raised their hand and didn't get a  
4 question in.

5 THE COURT: Oh, yes. Come forward, please. Have a  
6 seat over here in the witness box, please.

7 May I have your name, please.

8 PROSPECTIVE JUROR: Anna Kinney.

9 THE COURT: Yes, Ms. Kinney. You said you raised your  
10 hand?

11 PROSPECTIVE JUROR: I did. I have been scheduled for  
12 jury duty in Loudoun County three Wednesdays from now, and so  
13 there's an overlap.

14 THE COURT: This one pre-empts that one, and I'll make  
15 sure of that.

16 PROSPECTIVE JUROR: Okay. Thank you.

17 THE COURT: I'll have our clerk's office call Loudoun  
18 County Circuit Court -- is that the court.

19 PROSPECTIVE JUROR: Yes.

20 THE COURT: And tell them, if you're selected -- now,  
21 if you're not selected here, then you'll have to deal with them  
22 separately. If you're selected, I will ensure that you're not  
23 troubled by them.

24 PROSPECTIVE JUROR: Okay. Thank you very much.

25 THE COURT: You're welcome. You know you have to be

1 back here at 2:30 on the third floor.

2 All right. Court stands in recess until 1 o'clock.

3 (Recess taken at 12:19 p.m.)

4 THE COURT: Good afternoon. Let me thank the ladies  
5 and gentlemen of the jury panel for their patience in this  
6 matter. This is United States against El Shafee Elsheikh, and  
7 it is 20-CR-239. And the record will reflect that counsel are  
8 present, and the defendant is present and prepared to proceed.

9 The matter is at the jury selection stage, but I want  
10 to take this opportunity at the outset to thank each of you for  
11 your service as jurors. Jury service is vitally important to  
12 the flourishing and survival of our republic. It is one of the  
13 two cardinal duties that we have as Americans, voting and jury  
14 service, and it is important that we fulfill those duties.

15 I do want to be clear that society, the court, me, are  
16 all grateful for your service as jurors today. This is the jury  
17 selection portion, and it will take about two hours, maybe  
18 three, and it is called typically the voir dire portion of the  
19 trial. That's a very ancient Norman French phrase for "tell the  
20 truth." Because it is in this stage of the trial that I will  
21 ask questions of prospective jurors designed to elicit answers  
22 that will enable me to determine whether any of you may be  
23 disabled by any rule of law from serving as a juror.

24 We're going to begin with calling the roll. And we  
25 call the roll to ensure all of you are here who were required to

1 be here. And also, when your name is called, please stand and  
2 remain standing until the next name is called. And we do that  
3 so that the attorneys here can match a name with a face for  
4 their use.

5 Following the calling of the roll, I will have an oath  
6 administered to you to answer the Court's questions truthfully.  
7 And following that, I will begin the process by asking you a  
8 series of questions, and we will proceed from there.

9 All right. The deputy clerk may call the roll, please.

10 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
11 I call your name, please stand, answer "present," and be seated  
12 as the next name is called.

13 Juror number 1, Julie Bae.

14 PROSPECTIVE JUROR: (No verbal response.)

15 THE COURT: You'll have to say "here" or "present," if  
16 you would.

17 PROSPECTIVE JUROR: Present.

18 COURTROOM CLERK: Juror number 2, Jeromy Block.

19 PROSPECTIVE JUROR: Present.

20 COURTROOM CLERK: Juror number 3, Linda Bock.

21 PROSPECTIVE JUROR: Present.

22 COURTROOM CLERK: Juror number 4, Enriqueta Bond.

23 PROSPECTIVE JUROR: Present.

24 COURTROOM CLERK: Juror number 5, Laurence Bourne.

25 PROSPECTIVE JUROR: Present.

1 COURTROOM CLERK: Juror number 6, Stephan Brown.

2 PROSPECTIVE JUROR: Present.

3 COURTROOM CLERK: Juror number 7, Laura Buschman.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 8, Jean Counts.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 9,

8 Anita Crawford-Murphy.

9 PROSPECTIVE JUROR: Present.

10 COURTROOM CLERK: Juror number 10, Erica Denham.

11 PROSPECTIVE JUROR: Present.

12 COURTROOM CLERK: Juror number 12, Jimmy Edwards.

13 PROSPECTIVE JUROR: Present.

14 COURTROOM CLERK: Juror number 13, Jose Feliciano-Ruiz.

15 PROSPECTIVE JUROR: Present.

16 COURTROOM CLERK: Juror number 14, Mirenda Fields.

17 PROSPECTIVE JUROR: Present.

18 COURTROOM CLERK: Juror number 17, Harold Honegger.

19 PROSPECTIVE JUROR: Present.

20 COURTROOM CLERK: Juror number 19, Dae Kang.

21 PROSPECTIVE JUROR: Present.

22 COURTROOM CLERK: Juror number 20, Alfred Keyser.

23 PROSPECTIVE JUROR: Present.

24 COURTROOM CLERK: Juror number 21,

25 William McCluskey, Jr.

1 PROSPECTIVE JUROR: Present.

2 COURTROOM CLERK: Juror number 22, Gwendolin McCrea.

3 PROSPECTIVE JUROR: Present.

4 COURTROOM CLERK: Juror number 23, Elizabeth Mitchell.

5 Juror number 23, Elizabeth Mitchell.

6 THE COURT: All right. Show cause. Next.

7 COURTROOM CLERK: Juror number 24, Vicky Moffitt.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: Juror number 25, Blair Mohny.

10 PROSPECTIVE JUROR: Present.

11 COURTROOM CLERK: Juror number 26, Jennifer Murray.

12 PROSPECTIVE JUROR: Present.

13 COURTROOM CLERK: Juror number 27, Zachary Nau.

14 PROSPECTIVE JUROR: Present.

15 COURTROOM CLERK: Juror number 28, Oscar Novo.

16 PROSPECTIVE JUROR: Present.

17 COURTROOM CLERK: Juror number 29, Wayne Phoel.

18 PROSPECTIVE JUROR: Present.

19 COURTROOM CLERK: Juror number 30, Mary Price.

20 PROSPECTIVE JUROR: Present.

21 COURTROOM CLERK: Juror number 31, Hatim Reta.

22 PROSPECTIVE JUROR: Present.

23 COURTROOM CLERK: Juror number 32, Carlos Rodrigues.

24 PROSPECTIVE JUROR: Present.

25 COURTROOM CLERK: Juror number 33, Deanna Rohrig-Bunn.

1 PROSPECTIVE JUROR: Present.

2 COURTROOM CLERK: Juror number 34,

3 Hayleigh Royston-Lee.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 35, Russell Ruud.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 36, Ashna Saxena.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: Juror number 37, Suzanne Small.

10 PROSPECTIVE JUROR: Present.

11 COURTROOM CLERK: Juror number 38, Domicyl Smertcov.

12 PROSPECTIVE JUROR: Present.

13 COURTROOM CLERK: Juror number 39, Ralph Stallings.

14 PROSPECTIVE JUROR: Present.

15 COURTROOM CLERK: Juror number 40, Yordanka Stefanova.

16 PROSPECTIVE JUROR: Present.

17 COURTROOM CLERK: Juror number 41, Niamh Strei.

18 PROSPECTIVE JUROR: Present.

19 COURTROOM CLERK: Juror number 42, Ann Marie Terzaken.

20 PROSPECTIVE JUROR: Present.

21 COURTROOM CLERK: Juror number 43, Daniel Theiss.

22 PROSPECTIVE JUROR: Present.

23 COURTROOM CLERK: Juror number 45, Kaitlin Walker.

24 PROSPECTIVE JUROR: Present.

25 COURTROOM CLERK: Juror number 46,



1 Jeffrey Wallhermfechtel.

2 PROSPECTIVE JUROR: Present.

3 COURTROOM CLERK: Juror number 47, Adrian White.

4 PROSPECTIVE JUROR: Present.

5 COURTROOM CLERK: Juror number 48, Paul Wolfgramm, Jr.

6 PROSPECTIVE JUROR: Present.

7 COURTROOM CLERK: Juror number 49, Daniel Chi Wu.

8 PROSPECTIVE JUROR: Present.

9 COURTROOM CLERK: And juror number 50, Esthar Zanganeh.

10 PROSPECTIVE JUROR: Present.

11 COURTROOM CLERK: Is there any juror whose name I have  
12 not called?

13 THE COURT: All right. You may administer the oath to  
14 the panel, please.

15 COURTROOM CLERK: Ladies and gentlemen of the jury,  
16 will you please stand, raise your right hand, and respond after  
17 the oath by stating "I shall."

18 Do you swear that you shall true and perfect answer  
19 made to such questions as may be propounded to you by the Court,  
20 so help you God?

21 PROSPECTIVE JURY PANEL: (Collectively.) I shall.

22 COURTROOM CLERK: Thank you. Please be seated.

23 THE COURT: All right. Ladies and gentlemen, I'm now  
24 going to proceed with the voir dire portion of the trial, the  
25 beginning. Voir dire is an ancient Anglo-French expression that

1 lawyers have come to use in the last thousand years, which means  
2 literally to speak the truth. It is that portion of the trial  
3 where I ask questions and panel members give me answers, and  
4 from those answers I determine whether anyone is disabled by any  
5 rule of law from serving as a juror in this case.

6 There are two phases to the voir dire. The first phase  
7 is, I will ask you a series of questions and you will provide  
8 answers from where you'll stand, and give me answers from where  
9 you're now located in the courtroom. The court security  
10 officers will bring a microphone to you and you'll provide  
11 answers. They're easy-to-answer questions.

12 The next phase, phase 2, you will be asked a series of  
13 questions, and then you'll come forward one at a time to give  
14 your answers here on the witness stand. And those answers will  
15 be heard only by the Court, court personnel, attorneys, and the  
16 defendant. No one else will hear them because we'll use  
17 earphones. And that's done to preserve the privacy of what you  
18 may have to disclose in this process, and also to avoid having  
19 any information that you have to provide from affecting or  
20 infecting anyone else.

21 All right. And I think, as I said, the whole process  
22 will take about three hours. All right. The first question I  
23 have is, I want to know -- well, let me do this.  
24 Mr. Fitzpatrick, would you stand, introduce yourself and your  
25 co-counsel to the panel, please.

1 MR. FITZPATRICK: Thank you, Your Honor. Good  
2 afternoon, ladies and gentlemen. My name is Dennis Fitzpatrick,  
3 I'm an Assistant United States Attorney in the Eastern District  
4 of Virginia. To my right is my colleague, Raj Parekh, he's the  
5 First Assistant United States Attorney in the Eastern District  
6 of Virginia; to his right is Mr. John Gibbs, also an  
7 Assistant United States Attorney within this district; in front  
8 of me is our colleague, Alicia Cook, she is a trial attorney  
9 with the National Security Division within the Department of  
10 Justice; and to Ms. Cook's right is Aidan Grano-Mickelsen, who  
11 is also an Assistant United States Attorney with our office.

12 THE COURT: All right. Ladies and gentlemen, now, do  
13 you or any member of your family, so far as you know, know any  
14 of these individuals, or have you had any business or social  
15 dealings with any of them?

16 The record will reflect no hands.

17 MR. FITZPATRICK: And, Your Honor, I failed to  
18 recognize an important part of our team, Ms. Nicole Lopez, who  
19 will be working with us in this trial.

20 THE COURT: All right. And where is she employed?

21 MR. FITZPATRICK: She's employed within the Eastern  
22 District of Virginia.

23 THE COURT: Oh, she's your paralegal in the matter?

24 MR. FITZPATRICK: Correct, Your Honor.

25 THE COURT: Thank you for that. Let me ask you again,

1 ladies and gentlemen, whether you or any member of your family,  
2 so far as you know, know any of these individuals, or have had  
3 any business or social dealings of any kind with any of them?  
4 Again, the record will reflect no hands. You may be seated.

5 Now, Mr. Fitzpatrick and his colleagues are members of  
6 the U.S. Attorney's Office for the Eastern District of Virginia.  
7 And I want to know whether you or any member of your family, so  
8 far as you know, know any of the attorneys or employees of that  
9 office, or whether you've had any business or social dealings of  
10 any kind whatsoever with any of them. All right. The record  
11 will reflect one hand.

12 All right. Yes, sir?

13 PROSPECTIVE JUROR: I'm an attorney for the  
14 Department of Justice. I do not currently have dealings --

15 THE COURT: What is your name, please?

16 PROSPECTIVE JUROR: Ann Marie Terzaken. I don't  
17 currently have any dealings with the U.S. Attorney's Office. I  
18 have had prior dealings with the National Security Division. I  
19 just wanted to...

20 THE COURT: Yes, that's helpful. Thank you. You may  
21 be seated.

22 All right. Anyone else? All right. No one else.  
23 Now, Mr. MacMahon, would you stand, introduce yourself and your  
24 co-counsel, on behalf of the defendant?

25 MR. MACMAHON: Yes, thank you, Your Honor. My name is

1 Edward MacMahon, I'm an attorney here in Northern Virginia.  
2 This is Nina Ginsberg with the law firm of DiMuro Ginsberg in  
3 Alexandria, Virginia; that's Zach Deubler, who is also with the  
4 firm of DiMuro Ginsberg; and Yancey Ellis is with  
5 Carmichael Ellis & Brock, which is another law firm.

6 THE COURT: Do you or any member of your family, so far  
7 as you know, know any of these individuals, or have you had any  
8 business or social dealings of any kind whatsoever with any of  
9 them?

10 All right. The record will reflect no hands. You may  
11 be seated.

12 Now, Ms. Ginsberg and Mr. Deubler are members of the  
13 firm of DiMuro Ginsberg in Northern Virginia. Do you or any  
14 member of your family, so far as you know, know any of the  
15 employees or attorneys of that firm, or had any business or  
16 social dealings of any kind whatsoever with any of them?

17 And the record will reflect no hands are raised in that  
18 regard.

19 I will also point out that Mr. Ellis, Yancey Ellis, and  
20 I are unrelated in any familial way. Which even if I tried to  
21 say otherwise, he would deny it. But we are not related.

22 Now, Mr. MacMahon, did I get your firm, or is it just  
23 you?

24 MR. MACMAHON: It's just me, Your Honor.

25 THE COURT: All right. And I think Mr. Deubler is

1 associated with Ms. Ginsberg.

2 MR. DEUBLER: Correct, Your Honor.

3 THE COURT: And Mr. Ellis?

4 MR. ELLIS: Yes, sir. Our firm is  
5 Carmichael Ellis & Brock.

6 THE COURT: Do you or any member of your family, so far  
7 as you know, know any of the attorneys or employees of that  
8 firm, or have you had any business or social dealings of any  
9 kind whatsoever with any of them?

10 And the record will reflect no hands were raised.

11 The next question, ladies and gentlemen, is, I want to  
12 know whether any of you have served in the past on any juries,  
13 either grand juries or trial juries, in either local, state, or  
14 federal courts. If you would raise your hands, please. We have  
15 a few veterans here.

16 Could you stand and give me your name, please.

17 PROSPECTIVE JUROR: Linda Bock.

18 THE COURT: Ms. Bock, what juries have you served on in  
19 the past?

20 PROSPECTIVE JUROR: Over the years, a couple from  
21 City of Alexandria, and some civil disputes in the past  
22 two years.

23 THE COURT: All right. Let me see if I understood your  
24 answer. You might have to hold the microphone a little...

25 PROSPECTIVE JUROR: Okay. There we go.

1 THE COURT: Thank you. I'm old, and my ears don't work  
2 as well as they once did. In fact, nothing does as it once did.  
3 But you're too young to know that. It will come to all of us.

4 Tell me again what juries you've served on in the past.

5 PROSPECTIVE JUROR: I've been called several times for  
6 the City of Alexandria, and served on three separate juries  
7 there, and one civil trial in the last two years, also in the  
8 City of Alexandria.

9 THE COURT: So you served on three juries in  
10 Alexandria?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: And what was the nature of the cases on  
13 which you served in Alexandria?

14 PROSPECTIVE JUROR: One was a property dispute, one was  
15 an attempted rape, and the other one was so long ago, I've  
16 forgotten what it was.

17 THE COURT: All right. In those cases, was the jury on  
18 which you served able to reach a unanimous verdict?

19 PROSPECTIVE JUROR: (No verbal response.)

20 THE COURT: You need only say "yes" or "no" --

21 PROSPECTIVE JUROR: Yes.

22 THE COURT: -- and explain. But I don't want to know  
23 what the verdict was, I just want to know whether it was  
24 unanimous.

25 PROSPECTIVE JUROR: Yes, it was.

1 THE COURT: On all three?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Then you said you served on a jury  
4 elsewhere?

5 PROSPECTIVE JUROR: No, just in the City of Alexandria.

6 THE COURT: And have we covered the three times you  
7 served?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Any other jury service?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Thank you. You may be seated have.  
12 Next.

13 PROSPECTIVE JUROR: The name is Jeromy Block.

14 THE COURT: Yes. What juries have you served on in the  
15 past?

16 PROSPECTIVE JUROR: Fairfax County.

17 THE COURT: What was the nature of the case?

18 PROSPECTIVE JUROR: It was a kidnapping.

19 THE COURT: How long ago?

20 PROSPECTIVE JUROR: 22 years ago.

21 THE COURT: Was the jury on which you served able to  
22 reach a unanimous verdict?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: All right. Any other jury service,  
25 Mr. Block?



1 PROSPECTIVE JUROR: I've been called to Loudoun, but I  
2 was never picked.

3 THE COURT: I just want to know what juries you've  
4 served on. Thank you, sir.

5 Next.

6 PROSPECTIVE JUROR: My name is Enriqueta Bond.

7 THE COURT: Yes, Ms. Bond.

8 PROSPECTIVE JUROR: I served on a jury in Sangamon,  
9 Illinois on eminent domain.

10 THE COURT: Was the jury on which you served able to  
11 reach a unanimous verdict?

12 PROSPECTIVE JUROR: It was.

13 THE COURT: And, Ms. Bond, I understand you are a  
14 scientist. What is your area of science?

15 PROSPECTIVE JUROR: Molecular biology and genetics.

16 THE COURT: Thank you. You may be seated.

17 Next.

18 PROSPECTIVE JUROR: Yes, sir. My name is  
19 William McCluskey.

20 THE COURT: Yes, Mr. McCluskey. What juries have you  
21 served on in the past?

22 PROSPECTIVE JUROR: I served on a grand jury here in  
23 the Eastern District 15 or more years ago, national security,  
24 and unanimous decision.

25 THE COURT: So the grand jury on which you served, was

1 it a grand jury or a trial jury?

2 PROSPECTIVE JUROR: It was a grand jury.

3 THE COURT: And was the grand jury on which you served  
4 able to reach agreement on the issuance of true bills?

5 PROSPECTIVE JUROR: Yes, it did.

6 THE COURT: Were there any occasions in which the  
7 grand jury decided or ruled not to issue a true bill?

8 PROSPECTIVE JUROR: No.

9 THE COURT: Thank you. You may be seated.  
10 Anyone else with past jury service? Yes, your name,  
11 please?

12 PROSPECTIVE JUROR: Anita Crawford-Murphy.

13 THE COURT: Yes. What juries have you served on in the  
14 past?

15 PROSPECTIVE JUROR: Fairfax County.

16 THE COURT: All right. And what cases were you on?

17 PROSPECTIVE JUROR: It was a trial, police dispute.

18 THE COURT: I'm sorry?

19 PROSPECTIVE JUROR: It was a trial.

20 THE COURT: And what was the trial?

21 PROSPECTIVE JUROR: It was a police dispute, a ticket.

22 THE COURT: And was the jury on which you served able  
23 to reach a unanimous verdict?

24 PROSPECTIVE JUROR: The jury was...no.

25 THE COURT: I'm sorry?

1 PROSPECTIVE JUROR: No.

2 THE COURT: It was not?

3 PROSPECTIVE JUROR: It was not.

4 THE COURT: In other words, the jury was split, or  
5 hung?

6 PROSPECTIVE JUROR: Correct.

7 THE COURT: And it was a civil case?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Rather unusual. But any other jury  
10 service?

11 PROSPECTIVE JUROR: No.

12 THE COURT: Let me be sure. You're Ms. Moffitt?

13 PROSPECTIVE JUROR: Murphy. Crawford-Murphy.

14 THE COURT: Ah, yes. How do you wish to be addressed?

15 PROSPECTIVE JUROR: Ms. Murphy is fine.

16 THE COURT: All right. What I'm looking at says  
17 Crawford. They crossed out the Murphy. And you prefer Murphy?

18 PROSPECTIVE JUROR: Correct. That is my married name.

19 THE COURT: All right. Thank you, Ms. Murphy.

20 Anyone else with past jury service? All right. The  
21 record will reflect that there are no others.

22 Next I want to know whether you or any member of your  
23 immediate family is employed by any law enforcement agency, if  
24 you would raise your hands, please.

25 PROSPECTIVE JUROR: Hello, my name is

1 Yordanka Stefanova.

2 THE COURT: Yes, ma'am. And who in your family, or if  
3 you are, what law enforcement agencies are you or they employed  
4 by?

5 PROSPECTIVE JUROR: That's me, and I'm employed at the  
6 Federal Bureau of Investigation.

7 THE COURT: And you're a program manager there?

8 PROSPECTIVE JUROR: Correct, sir.

9 THE COURT: Do you have any law enforcement  
10 responsibilities?

11 PROSPECTIVE JUROR: Not myself, no.

12 THE COURT: You don't go out and arrest people or  
13 investigate people?

14 PROSPECTIVE JUROR: I participate in the investigative  
15 process, but I'm not law enforcement per se.

16 THE COURT: All right. Do you feel that being employed  
17 by the FBI in the capacity that you've mentioned would prevent  
18 or hinder you in any way from rendering a fair and an impartial  
19 verdict in this case based only on the evidence that's presented  
20 in the courtroom and the Court's instructions on the law?

21 PROSPECTIVE JUROR: I will try to be fair always.

22 THE COURT: All right. Thank you. You may be seated.

23 PROSPECTIVE JUROR: Ann Marie Terzaken. As I mentioned  
24 before, Your Honor, I work for the Department of Justice.

25 THE COURT: Yes.

1 PROSPECTIVE JUROR: I don't have any other family  
2 members who work for a law enforcement agency.

3 THE COURT: All right.

4 Counsel, put on your earphones, please.

5 (BENCH CONFERENCE ON THE RECORD.)

6 THE COURT: Mr. Fitzpatrick, can you hear me?

7 MR. FITZPATRICK: Yes, Your Honor.

8 THE COURT: Mr. MacMahon, can you hear me?

9 MR. MACMAHON: Yes, Your Honor.

10 THE COURT: All right, good. Now, the reason I want to  
11 do this is that I am advised that one of my law clerks last year  
12 or the year before - I guess it was the year before that - he  
13 was a law clerk to a Seventh Circuit judge last year, before  
14 coming here. But before that, he worked with, I believe, this  
15 particular person's husband in a law firm.

16 So unless there is an objection by the government or  
17 Mr. MacMahon, I'm going to excuse this panel member.

18 MR. MACMAHON: That's number 42, Your Honor?

19 THE COURT: Let me confirm that.

20 MR. FITZPATRICK: Ms. Terzaken?

21 THE COURT: Yes, that's correct.

22 MR. MACMAHON: No objection from the defense,  
23 Your Honor.

24 MR. FITZPATRICK: We agree, no objection.

25 THE COURT: All right.

1 (END BENCH CONFERENCE.)

2 THE COURT: Next?

3 PROSPECTIVE JUROR: Hayleigh Royston-Lee.

4 THE COURT: Yes, which question do you have an answer  
5 to, Ms. Royston-Lee?

6 PROSPECTIVE JUROR: Affiliation with law enforcement.

7 THE COURT: Yes.

8 PROSPECTIVE JUROR: My husband serves as a lieutenant  
9 with Fauquier County Sheriff's Office.

10 THE COURT: And how long has he served as a lieutenant  
11 with the police department there?

12 PROSPECTIVE JUROR: He's been in law enforcement for  
13 over 10 years, and served as a lieutenant for two of those.

14 THE COURT: Does having a husband so employed, would  
15 that prevent or hinder you in any way from rendering a fair and  
16 an impartial verdict in this case based only on the evidence and  
17 the Court's instructions on the law?

18 PROSPECTIVE JUROR: No, sir. I would strive to be  
19 objective.

20 THE COURT: Thank you. You may be seated.

21 Next?

22 PROSPECTIVE JUROR: Jeromy Block.

23 THE COURT: Yes, Mr. Block.

24 PROSPECTIVE JUROR: My brother-in-law is a Fairfax  
25 County detective.

1 THE COURT: And how long has he been a Fairfax County  
2 detective?

3 PROSPECTIVE JUROR: He's about to retire, so about  
4 30 years with the county. I've known him just over 10.

5 THE COURT: Does the fact that you have a  
6 brother-in-law who serves as a detective in the county, would  
7 that prevent or hinder you in any way from rendering a fair and  
8 an impartial verdict in this case based only on the evidence and  
9 the Court's instructions on the law?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: All right. Thank you.

12 Anyone else?

13 PROSPECTIVE JUROR: Yes, sir. Stephan Brown. I have  
14 an uncle in law enforcement in California. He a prison guard.

15 THE COURT: And this uncle is a prison guard. Is that  
16 what you're saying?

17 PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: And how long has he served in that  
19 capacity?

20 PROSPECTIVE JUROR: I believe at least 20, possibly  
21 25 years.

22 THE COURT: Do you feel that having an uncle who is so  
23 employed would prevent or hinder you in any way from rendering a  
24 fair and an impartial verdict in this case?

25 PROSPECTIVE JUROR: No, sir.

1 THE COURT: Thank you. Next. Anyone else?

2 PROSPECTIVE JUROR: Daniel Wu.

3 THE COURT: Just a moment. Let me find you. Yes,  
4 Mr. Wu.

5 PROSPECTIVE JUROR: I have a stepbrother who I believe  
6 is just finished with training as a police officer.

7 THE COURT: As a what, sir?

8 PROSPECTIVE JUROR: Police officer.

9 THE COURT: In what county or city?

10 PROSPECTIVE JUROR: I believe Arlington. We don't talk  
11 much.

12 THE COURT: Do you feel that having a stepbrother who  
13 is so employed would prevent or hinder you in any way in  
14 rendering a fair and an impartial verdict in this case based  
15 only on the evidence and the Court's instructions on the law?

16 PROSPECTIVE JUROR: I do not.

17 THE COURT: Thank you. You may be seated.

18 Next?

19 PROSPECTIVE JUROR: Deanna Rohrig-Bunn.

20 THE COURT: Yes. And what law enforcement affiliation  
21 do you or a family member have?

22 PROSPECTIVE JUROR: I have a brother-in-law in prison  
23 corrections and I have a nephew in the sheriff's department,  
24 both in Spotsylvania County.

25 THE COURT: Do you feel having a brother-in-law and



1 nephew in law enforcement as you have described would prevent or  
2 hinder you in any way from rendering a fair and an impartial  
3 verdict in this case based only on the evidence and the Court's  
4 instructions on the law?

5 PROSPECTIVE JUROR: No, sir. No, sir.

6 THE COURT: Thank you. You may be seated. Anyone else  
7 have any law enforcement affiliation or family affiliation with  
8 law enforcement?

9 All right. The record will reflect that no other hands  
10 were raised.

11 Mr. McCluskey?

12 PROSPECTIVE JUROR: Sir?

13 THE COURT: Mr. McCluskey, you're retired, as I  
14 understand it, from the government.

15 PROSPECTIVE JUROR: That's correct.

16 THE COURT: What did you do for the government?

17 PROSPECTIVE JUROR: I worked for the  
18 Department of Defense.

19 THE COURT: All right. And are you able to tell us, in  
20 general, what you did?

21 PROSPECTIVE JUROR: Yes. I was responsible for doing  
22 international science and technology cooperation with our  
23 allies.

24 THE COURT: All right. So you're a scientist?

25 PROSPECTIVE JUROR: Yes, sir.

1 THE COURT: What is your area of science?

2 PROSPECTIVE JUROR: I began with biological  
3 oceanography some years ago.

4 THE COURT: Thank you. You may be seated.

5 Ms. Price, are you currently employed?

6 PROSPECTIVE JUROR: No, I'm not.

7 THE COURT: And what is your most recent employment?

8 PROSPECTIVE JUROR: I've been a stay-at-home mother for  
9 13 years. It's been a long time.

10 THE COURT: You're a stay-at-home mom. That's the most  
11 important job in the world.

12 PROSPECTIVE JUROR: Yeah, it is. But no actual  
13 employment.

14 THE COURT: I agree with that. One of my sons and his  
15 wife made an agreement three years ago that he would be the  
16 stay-at-home parent, and I'm so proud of my son. He did it.  
17 Thank you.

18 See, I come from a generation where not only did we --  
19 I never even changed a diaper. But all of us in those days,  
20 males, served in the military, and our goal was to be away when  
21 any children were born. The world has changed, thank goodness,  
22 and it is far better. I remember the doctor asking me if I  
23 wanted to be in the delivery room, and I looked at him as if he  
24 needed a -- is he crazy? Of course not.

25 Now, of course, the world has changed, and, as I said,

1 for the better. Not that I would make a different choice today,  
2 but I'm a little more squeamish than the average person.

3 All right. Just a moment. The next question I have  
4 for you, ladies and gentlemen, is I'm going to read to you a  
5 list of names. Pay careful attention to that list. It's  
6 lengthy, so I'm only going to read to you 10 names at a time and  
7 I want to ask you at the end whether you know or have had any  
8 business or social dealings of any kind with any of the persons  
9 whose names I have read.

10 Now, if you need any identifying information or you  
11 think you know the person, don't hesitate to ask.

12 Bruce Hoffman, Barry Goodman, Dan Godfrey,  
13 William Van-Der-Reijden. The last part of that is  
14 R-E-I-J-D-E-N. Matthew Husher; Federico Motka, M-O-T-K-A;  
15 Jens Serup, S-E-R-U-P; Patricia Chavez Mejia; George Smith;  
16 Jason Richards.

17 Now, do you or any member of your family, so far as you  
18 know, know any of those persons, or have you had any business or  
19 social dealings of any kind whatsoever with any of them.

20 PROSPECTIVE JUROR: Your Honor, there's a neighbor of  
21 mine whose name is Bruce Hoffman.

22 THE COURT: Bruce Hoffman?

23 PROSPECTIVE JUROR: Yeah.

24 THE COURT: Just a moment. And what is his address?

25 PROSPECTIVE JUROR: Oak Lane in McLean, Virginia.

1 THE COURT: And do you have any more information about  
2 Bruce Hoffman that you can give me? Do you know where he works?

3 PROSPECTIVE JUROR: So I know he's a lawyer and he  
4 works for -- I think he's jumped around in jobs. I don't know  
5 him well. My husband knows him to some extent through work, but  
6 I don't know much about it.

7 THE COURT: All right. I'll speak to you about that a  
8 bit more in a few moments.

9 Anyone else need any identification for those first  
10 names? All right. I'm going to read the second 10 names.

11 FBI Special Agent John Chiappone, C-H-I-A-P-P-O-N-E;  
12 Peshwaz Faizulla, F-A-I-Z-U-L-L-A; Matthew Hamilton;  
13 Michael Foley; Diane Foley; Radwan Safarjalany,  
14 S-A-F-A-R-J-A-L-A-N-I [sic]; Marsha Mueller; Marcos Marginedas,  
15 M-A-R-G-I-N-E-D-A-S.

16 Do you or any member of your family, so far as you  
17 know, know any of those persons, or have you had any business or  
18 social dealings of any kind whatsoever with any of them? The  
19 record will reflect no hands in that regard.

20 Let me read the third group of 10. Art Sotloff,  
21 S-O-T-L-O-F-F; Mohammed Almahmoud, A-L-M-A-H-M-O-U-D [sic];  
22 Edward Kassig; Elliott Stempf, S-T-E-M-P-F; Anna Bartle,  
23 B-A-R-T-L-E; Nicolas Hénin, H-E-N-I-N; Edouard Elias;  
24 Didier Francois, F-R-A-N-C-O-I-S; Frida Saide, S-A-I-D-E; and  
25 FBI Special Agent Dan Story.

1 Do you or any member of your family, so far as you  
2 know, know any of those individuals, or have you had any  
3 business or social dealings of any kind whatsoever with any of  
4 them? All right. The record will reflect none.

5 And the further group of names, Tyler Trembl, T-R-E-M-L;  
6 Lea Mulla, M-U-L-L-A; Brian Driscoll; Ian Gallagher; FBI Special  
7 Agent Brian Czekala, C-Z-E-K-A-L-A; Robert Johnston;  
8 Donna Deweltz, D-E-W-E-L-T-Z; Professor Richard Rhodes; and  
9 Daniel Ottosen.

10 Do you or any member of your family, so far as you  
11 know, know any of those individuals, or have you had any  
12 business or social dealings of any kind whatsoever with any of  
13 them? No hands. All right.

14 Counsel, pick up your earphones, please. Wait a  
15 minute, it's unnecessary. Well, no, pick up your earphones,  
16 please.

17 (BENCH CONFERENCE ON THE RECORD.)

18 THE COURT: Mr. MacMahon, can you hear me?

19 MR. MACMAHON: Yes, Your Honor.

20 THE COURT: Who were the witnesses you gave me in the  
21 prior group?

22 MR. MACMAHON: I have to find them.

23 THE COURT: Here they are, Mr. MacMahon. See if I'm  
24 correct. Special Agent Andrew Miller, Special  
25 Agent Daniel O'Toole, Douglas Lacey, and Bruce Koenig.

1 MR. MACMAHON: Yes. And they're with a firm called  
2 Bek Tek, LLC.

3 THE COURT: All right. And what does Bek Tek, LLC do?

4 MR. MACMAHON: It's -- Ms. Ginsberg has been doing the  
5 work on that, so if I can have her answer.

6 THE COURT: Yes, of course.

7 MS. GINSBERG: They're a voice analysis company. They  
8 also have enhanced several of the videos that may be played  
9 today.

10 THE COURT: So they're experts that you have retained?

11 MS. GINSBERG: Yes, Your Honor. It's not clear that  
12 any of the people on that list will testify, but we've given it  
13 to the Court in an abundance of caution.

14 THE COURT: All right. Thank you. And I take it  
15 you've given any expert reports you have in a timely fashion to  
16 the government?

17 MS. GINSBERG: Judge, we don't have any expert reports.  
18 It is unlikely that either of those two will testify. They've  
19 been consulting experts.

20 THE COURT: All right.

21 MS. GINSBERG: We've told the government that it's  
22 extremely unlikely that they will testify.

23 THE COURT: All right. Well, we'll cross that bridge  
24 when we come to it. The bridge I'm talking about is the bridge  
25 of whether or not they testify as an expert witness. You're

1       telling me it's extremely unlikely, there are no expert reports.  
2       So I'll cross that bridge only if I come to it.

3               MS. GINSBERG: We understand.

4               THE COURT: Thank you.

5               (END BENCH CONFERENCE.)

6               THE COURT: All right. I have two additional names,  
7       maybe four. Special Agent Andrew Miller, Special  
8       Agent Daniel O'Toole, Douglas Lacey, L-A-C-E-Y; and  
9       Bruce Koenig, K-O-E-N-I-G. Do you or any member of your family,  
10      so far as you know, know any of those individuals, or have you  
11      had any business or social dealings of any kind whatsoever with  
12      any of them? All right. The record will reflect no hands.

13              Next, ladies and gentlemen, as you will recall when you  
14      filled out a questionnaire for the clerk's office, you were  
15      asked a number of questions relating to the pandemic and your  
16      exposure to people in the pandemic. And the purpose for that  
17      was we have certain rules about who can come in the courthouse  
18      and who cannot.

19              And the questions that I want to know whether you would  
20      answer them any differently today are the following. And all of  
21      these questions you answered "no" previously, and I want to know  
22      whether you would change your answer today to "yes."

23              The first one is, have you been diagnosed with COVID-19  
24      or had contact with anyone who has been diagnosed with COVID-19;  
25      next, have you been directed to quarantine or isolate; next,

1 have you experienced a fever or chills, persistent cough,  
2 shortness of breath, or difficulty breathing, new loss of taste  
3 or smell, or other flu-like symptoms. And the final question  
4 is, have you resided with or been in close contact with any  
5 person in any of the above-mentioned categories.

6 Now, previously you answered "no" to all of those. If  
7 your answer has changed, I want you to raise your hand and  
8 explain. And the reason for that is, the rule is that if you  
9 answer "yes" to any of those, you really can't come in the  
10 courthouse without further examination.

11 All right. The record will reflect no hands are  
12 raised.

13 Now, next, ladies and gentlemen, I'm going to -- as a  
14 preface to the next questions I'm going to ask, which are  
15 Phase 2 of the voir dire, I'm going to read to you from the  
16 indictment what the charges are against the defendant in this  
17 case. Now, let me hasten to instruct you that the indictment  
18 from which I will read the charges is not evidence or guilt of  
19 any kind whatsoever. It is merely the government's means,  
20 formal means, of accusing a defendant of a crime. But it is not  
21 itself proof or evidence of guilt of any kind whatsoever.

22 And I also hasten to instruct you that the defendant  
23 has pled not guilty to those charges, and therefore must be  
24 presumed by you to be innocent of those charges unless and until  
25 the jury find otherwise.



1 All right. The first charge against the defendant is  
2 the following: From in and around November 2012 and continuing  
3 to on or about February 7, 2015, Defendant El Shafee Elsheikh  
4 and Defendant Alexanda Amon Kotey, who are specially designated  
5 global terrorists and who will be first brought to and found in  
6 the Eastern District of Virginia, along with Mohammed Emwazi and  
7 others known and unknown to the grand jury, did conspire to  
8 seize, detain, and threaten to kill, injure, and continue to  
9 detain nationals of the United States of America traveling  
10 outside the United States, including James Wright Foley, whose  
11 death resulted from this offense; Kayla Jean Mueller, whose  
12 death resulted from this offense; Steven Joel Sotloff, whose  
13 death resulted from this offense; and Peter Edward Kassig, whose  
14 death resulted from this offense, each in order to compel a  
15 third person and a governmental organization, including but not  
16 limited to the United States of America and any part of its  
17 government, to pay a monetary ransom for the release of that  
18 U.S. national, and to do and abstain from doing any act as an  
19 explicit or implicit condition for the release of that person,  
20 in violation of Title 18 U.S. Code, Section 1203.

21 So the first charge against the defendant is engaging  
22 in a conspiracy to commit hostage-taking resulting in the death  
23 of the hostages.

24 The next charge against the defendant is the following:  
25 That from in, on, or about November 22nd, 2012, to on or about

1 August 19, 2014, the defendants, El Shafee Elsheikh and  
2 Alexanda Amon Kotey, who will be first brought to and found in  
3 the Eastern District of Virginia, Mohammed Emwazi, and others  
4 known and unknown to the grand jury, all aided and abetted by  
5 each other did seize, detain, and threaten to kill, injure, and  
6 continue to detain James Wright Foley, a national of the  
7 United States traveling outside the United States, in order to  
8 compel James Wright Foley's parents and a governmental  
9 organization, including but not limited to the United States of  
10 America and any part of its government, to pay a monetary ransom  
11 for the release of James Wright Foley, and to do and abstain  
12 from doing any act as an explicit or implicit condition for the  
13 release of James Wright Foley. James Wright Foley's death  
14 resulted from the commission of this offense, in violation of  
15 Title 18, Sections 1203 and 2.

16 So the second charge against the defendant is  
17 hostage-taking resulting in death of James Wright Foley.

18 The third charge against the defendant is the  
19 following: That from on or about August 4, 2013, to on or about  
20 February 7, 2015, the defendants, Alexanda Amon Kotey and  
21 El Shafee Elsheikh, who will first be brought to and found in  
22 the Eastern District of Virginia, Mohammed Emwazi, and others  
23 known and unknown to the grand jury, all aided and abetted by  
24 each other, did seize, detain, and threaten to kill, injure, and  
25 continue to detain Kayla Jean Mueller, a national of the

1 United States of America traveling outside the United States, in  
2 order to compel Kayla Jean Mueller's parents and a governmental  
3 organization, including but not limited to the United States of  
4 America and any part of its government, to pay a monetary ransom  
5 for the release of Kayla Jean Mueller, and to do and abstain  
6 from doing any act as an explicit or implicit condition for the  
7 release of Kayla Jean Mueller. Kayla Jean Mueller's death  
8 resulted from the commission of this offense, in violation of  
9 Title 18 U.S. Code, Sections 1203 and 2.

10 So. In other words, the third charge against the  
11 defendant is hostage-taking resulting in death; in this case,  
12 the death of Kayla Jean Mueller.

13 The next charge against the defendant is the following:  
14 That from on or about August 4, 2013, to on or about  
15 September 2nd, 2014, the defendants Alexanda Amon Kotey and  
16 El Shafee Elsheikh, who will be first brought to and found in  
17 the Eastern District of Virginia, Mohammed Emwazi, and others  
18 known and unknown to the grand jury, all aided and abetted by  
19 each other, did seize, detain, and threaten to kill, injure, and  
20 continue to detain Steven Joel Sotloff, a national of the  
21 United States of America traveling outside the United States, in  
22 order to compel Steven Joel Sotloff's parents and a governmental  
23 organization, including but not limited to the United States of  
24 America and any part of its government, to pay a monetary ransom  
25 for the release of Steven Joel Sotloff, and to do and abstain

1 from doing any act as an implicit or explicit condition for the  
2 release of Steven Joel Sotloff. Steven Joel Sotloff's death  
3 resulted from the commission of this offense, in violation of  
4 Title 18 U.S. Code, Sections 1203 and 2.

5 So that's the next charge against the defendant; namely  
6 hostage-taking resulting in the death, in this case, of  
7 Steven Joel Sotloff.

8 The next charge against the defendant is the following:  
9 That from on or about October 2nd, 2013, to on or about  
10 November 16, 2014, the defendants, Alexandra Amon Kotey and  
11 El Shafee Elsheikh, who will be first brought to and found in  
12 the Eastern District of Virginia, Mohammed Emwazi, and others  
13 known and unknown to the grand jury, all aided and abetted by  
14 each other, did seize, detain, and threaten to kill, injure, and  
15 continue to detain Peter Edward Kassig, a national of the  
16 United States of America traveling outside the United States, in  
17 order to compel Peter Edward Kassig's parents and a governmental  
18 organization, including but not limited to the United States of  
19 America and any part of its government, to pay a monetary ransom  
20 for the release of Peter Edward Kassig, and to do and abstain  
21 from doing any act as an explicit or implicit condition for the  
22 release of Peter Edward Kassig. Peter Edward Kassig's death  
23 resulted from the commission of this offense, in violation of  
24 Title 18 U.S. Code, Sections 1203 and 2.

25 The next charge against the defendant is the following:

1 That from in and around November 2012 and continuing to on or  
2 about February 7, 2015, the defendants, Alexandra Amon Kotey and  
3 El Shafee Elsheikh, who will be first brought to and found in  
4 the Eastern District of Virginia, Mohammed Emwazi, and others  
5 known and unknown to the grand jury, did conspire to commit  
6 murder, as defined by Title 18 U.S. Code, Section 1111(a), by  
7 unlawfully killing James Wright Foley, Kayla Jean Mueller,  
8 Steven Joel Sotloff, Peter Edward Kassig, nationals of the  
9 United States, while these nationals were outside of the  
10 United States, each killing being willful, deliberate,  
11 malicious, and premeditated and with malice aforethought, in  
12 violation of U.S. Code, Section 2332(b) (2) .

13 In other words, this defendant is charged with engaging  
14 in a conspiracy to murder United States citizens outside of the  
15 United States, in violation of 18 U.S.C. 2332(b) (2) . And I  
16 mentioned the names already, James Wright Foley,  
17 Kayla Jean Mueller, Steven Joel Sotloff, Peter Edward Kassig.

18 The next charge against the defendant is the following:  
19 That from in and around November 2012 and continuing to on or  
20 about February 7, 2015, the defendants, Alexandra Amon Kotey and  
21 El Shafee Elsheikh, who will first be brought to and found in  
22 the Eastern District of Virginia, and Mohammed Emwazi, and  
23 others known and unknown to the grand jury, did conspire to  
24 provide material support or resources, as that term is defined  
25 by Title 18 U.S. Code, Section 2339(a), namely personnel,

1 including themselves, and services, knowing and intending that  
2 they were to be used in preparation for and in carrying out a  
3 violation of Title 18 U.S. Code, Section 1203, hostage-taking,  
4 and Title 18 U.S. Code, Section 2332(a), murder.

5 And the deaths of James Wright Foley,  
6 Kayla Jean Mueller, Steven Joel Sotloff, Peter Edward Kassig,  
7 each a citizen of the United States, as well as the deaths of  
8 British and Japanese nationals resulted from the commission of  
9 this offense, in violation of Title 18 U.S. Code 2339(a).

10 So that's the seventh charge against the defendant,  
11 namely a conspiracy to provide material support or resources to  
12 terrorists, hostage-taking, and murder resulting in the death of  
13 the persons I named.

14 The last charge against the defendant is the following:  
15 That from in or about 2012 and continuing thereafter, up to and  
16 including in or about January 2018, in offenses committed  
17 outside of the jurisdiction of any particular state or district  
18 of the United States, the defendants, Alexandra Amon Kotey and  
19 El Shafee Elsheikh, who will be first brought to and found in  
20 the Eastern District of Virginia, Mohammed Emwazi, and others  
21 known and unknown, did conspire to provide material support or  
22 resources, as that term is defined in Title 18 U.S. Code,  
23 Section 2339(a), namely personnel, including themselves, and  
24 services to a Foreign Terrorist Organization, namely ISIS, which  
25 at all relevant times was designated by the United States

1 Secretary of State as a Foreign Terrorist Organization pursuant  
2 to Section 219 of the Immigration and Naturalization Act,  
3 knowing that ISIS was a designated Foreign Terrorist  
4 Organization, that ISIS engages and has engaged in terrorist  
5 activity, and that ISIS engages and has engaged in terrorism.

6 The deaths of James Wright Foley, Kayla Jean Mueller,  
7 Steven Joel Sotloff, Peter Edward Kassig, each a citizen of the  
8 United States, as well as the deaths of British and Japanese  
9 nationals, resulted from the commission of this offense, all in  
10 violation of Title 18 U.S. Code, Section 2339(b).

11 Those are the eight charges against this defendant in  
12 the indictment. Let me reiterate that the indictment is not  
13 itself proof or evidence of guilt, it is merely the government's  
14 means of formally accusing a defendant of a crime. And as I  
15 said also earlier, the defendant has pled not guilty to these  
16 offenses, and therefore must be presumed by you to be innocent  
17 of those charges unless and until the jury find otherwise.

18 Now, with that in mind, ladies and gentlemen, I'm going  
19 to ask you a series of questions, and this time you won't give  
20 your answers from where you're sitting or standing, but I'll  
21 have you come forward one at a time. The court security  
22 officers will have you come forward one at a time and give your  
23 answers up here from the witness stand in the relative privacy  
24 of bench and counsel, because we'll be using earphones and  
25 you'll have earphones on too. This is done to preserve your

1 privacy - that is, to preserve the confidentiality of  
2 information that you may have to provide - and also to avoid  
3 having any information that may disable you from serving as a  
4 juror from also disabling others.

5 All right. The first group -- and I ask them in a  
6 series of three or more so that it won't be evident which you  
7 have an affirmative answer to. If your answer is "no," you need  
8 not come forward.

9 Have you seen or read or heard or know anything at all  
10 about this case from any source whatever, from the news media,  
11 from the internet, or from any source.

12 Next question: Were you or any member of your family,  
13 so far as you know, acquainted with or know any of the victims  
14 in this case, namely James Foley, Kayla Mueller, Steven Sotloff,  
15 or Peter Kassig.

16 Third question, do you or any members of your family  
17 currently reside in Iraq or Syria.

18 If you have affirmative answers to any of those  
19 questions, I want you to come forward. Does anyone have an  
20 affirmative answer to any of those? Yes, come forward, please.

21 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

22 THE COURT: All right, sir. Can you hear me?

23 PROSPECTIVE JUROR: Yes, I can.

24 THE COURT: May I have your name, please, sir.

25 PROSPECTIVE JUROR: Alfred John Keyser.



1 THE COURT: Is that with a K?

2 PROSPECTIVE JUROR: Yes, it is.

3 THE COURT: All right. Mr. Keyser, which question do  
4 you have an affirmative answer to?

5 PROSPECTIVE JUROR: It was the question regarding had  
6 we read about or heard about the case.

7 THE COURT: And have you?

8 PROSPECTIVE JUROR: Yes, I have.

9 THE COURT: From where or what source?

10 PROSPECTIVE JUROR: The newspaper and internet.

11 THE COURT: All right. And have you formed any  
12 opinions about what you've heard?

13 PROSPECTIVE JUROR: None. Just the facts of the case,  
14 and, you know, I have no idea who did it. I didn't follow it up  
15 to this point. It was in the news at the time.

16 THE COURT: Now, do you understand, sir, that this case  
17 must be decided on the basis of the evidence presented and the  
18 Court's instructions on the law; that is, on the basis of the  
19 evidence presented in this courtroom in this trial? Do you  
20 understand that?

21 PROSPECTIVE JUROR: Yes, sir.

22 THE COURT: And do you understand that everything you  
23 may have seen or read or heard about the case in the media is  
24 not evidence in this case, and must not be considered? Do you  
25 understand that?

1 PROSPECTIVE JUROR: Yes, sir.

2 THE COURT: Do you feel you can put to one side  
3 everything you've read or seen or heard about this case, and  
4 decide this case fairly and impartially based only on the  
5 evidence and the Court's instructions on the law?

6 PROSPECTIVE JUROR: I do.

7 THE COURT: Do you have anything else you want to tell  
8 me about what you saw --

9 PROSPECTIVE JUROR: No, sir.

10 THE COURT: -- or read about this case?

11 PROSPECTIVE JUROR: No. It was prominent in the media  
12 at the time, so I don't have any other feelings about it.

13 THE COURT: Do you understand clearly that anything you  
14 saw is not evidence in the case, and must be disregarded?

15 PROSPECTIVE JUROR: Yes, sir, I do.

16 THE COURT: Are you able to do that.

17 PROSPECTIVE JUROR: Yes, I am.

18 THE COURT: And are you able then to decide this case  
19 fairly and impartially based only on the evidence and the  
20 Court's instructions?

21 PROSPECTIVE JUROR: Yes, I am.

22 THE COURT: Thank you, Mr. Keyser. You may return to  
23 your seat.

24 PROSPECTIVE JUROR: You're welcome, sir.

25 THE COURT: Can you hear me, sir?

1 PROSPECTIVE JUROR: Yes, I can.

2 THE COURT: May I have your name?

3 PROSPECTIVE JUROR: Laurence Bourne.

4 THE COURT: Which questions do you have an affirmative  
5 answer to?

6 PROSPECTIVE JUROR: I've heard press reports about the  
7 Foley case and the Mueller case, and possibly the Sotloff.

8 THE COURT: When you say "press reports," you mean on  
9 the radio or TV?

10 PROSPECTIVE JUROR: Correct. And maybe newspapers from  
11 several years ago.

12 THE COURT: All right. Do you understand that this  
13 case must be decided on the basis of the evidence presented  
14 here?

15 PROSPECTIVE JUROR: Yes, I do.

16 THE COURT: And anything you may have seen or read or  
17 heard in the press or TV or anything else, that's not evidence,  
18 and may not, cannot be considered. Do you understand that?

19 PROSPECTIVE JUROR: Yes, sir, I do.

20 THE COURT: Do you feel you can put to one side  
21 everything you heard or saw about this case, and not consider it  
22 when you decide whether the government has proved its case  
23 beyond a reasonable doubt?

24 PROSPECTIVE JUROR: Yes, I do.

25 THE COURT: Now, you're an attorney?

1 PROSPECTIVE JUROR: Yes, I am. Retired.

2 THE COURT: Oh, I see. That's what that means. And  
3 what was the nature of your practice before you retired?

4 PROSPECTIVE JUROR: I was an appellate litigator for  
5 the Federal Communications Commission.

6 THE COURT: I see. Have you had any special training  
7 in criminal law?

8 PROSPECTIVE JUROR: No, I have not.

9 THE COURT: Have you ever represented a defendant in a  
10 criminal case?

11 PROSPECTIVE JUROR: In private practice as a very young  
12 attorney, I had a pro bono case.

13 THE COURT: And that must have been a year or two ago?  
14 All right, sir. So at this time you're retired, you're not in  
15 the law at all?

16 PROSPECTIVE JUROR: No, I'm not.

17 THE COURT: Do you feel that there's anything about  
18 your legal training that would prevent or hinder you in any way  
19 from rendering a fair and an impartial verdict in this case  
20 based only on the evidence and the Court's instructions on the  
21 law?

22 PROSPECTIVE JUROR: I do not.

23 THE COURT: Now, you've told me that you did see or  
24 hear things in the past about this case, or aspects of this  
25 case. I want to be very clear that you understand that

1 everything you saw and heard is not evidence in this case, and  
2 may not be considered in this case.

3 PROSPECTIVE JUROR: Yes, sir, I understand that.

4 THE COURT: And do you feel you can put to one side  
5 everything that you saw or heard about this case, and decide it  
6 solely on the basis of the evidence you see and hear presented  
7 in the courtroom and the Court's instructions on the law?

8 PROSPECTIVE JUROR: Yes, sir, I can.

9 THE COURT: And do you believe you can be fair and  
10 impartial in that exercise?

11 PROSPECTIVE JUROR: I do.

12 THE COURT: Thank you. You may return to your seat.  
13 Can you hear me?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: May I have your name, please?

16 PROSPECTIVE JUROR: Deanna Rohrig-Bunn.

17 THE COURT: All right. I'm sorry, give me your last  
18 name again.

19 PROSPECTIVE JUROR: Rohrig-Bunn.

20 THE COURT: Yes, Ms. Rohrig-Bunn, tell me which  
21 question you have an answer to.

22 PROSPECTIVE JUROR: The first one.

23 THE COURT: Yes, ma'am.

24 PROSPECTIVE JUROR: I feel like I've heard that name or  
25 seen it in the paper. Not recently, but I do seem to remember

1 something about it.

2 THE COURT: Which name are you referring to?

3 PROSPECTIVE JUROR: The defendant's name.

4 THE COURT: Do you know what it is you saw?

5 PROSPECTIVE JUROR: I don't, sir. It just seems to  
6 click something in my memory, that's all.

7 THE COURT: Well, I want to be sure that you understand  
8 an important legal principle; that anything you may have seen or  
9 read or heard about this case is not evidence in this case. The  
10 only thing that's evidence in this case is what you see and hear  
11 presented in this trial and this courtroom. Do you understand  
12 that?

13 PROSPECTIVE JUROR: Yes, sir.

14 THE COURT: So I want to ask whether you can put to one  
15 side everything that you may have seen or read or heard about  
16 this case, and judge this case fairly and impartially based only  
17 on the evidence presented here and the Court's instructions on  
18 the law.

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: All right. So you believe you can be a  
21 fair and an impartial juror?

22 PROSPECTIVE JUROR: Yes, sir.

23 THE COURT: I'm sorry, if you could give me, once more,  
24 your last name.

25 PROSPECTIVE JUROR: Rohrig-Bunn, R-O-H-R-I-G, B-U-N-N.

1 THE COURT: Yes, I see it now. You're a budget  
2 analyst?

3 PROSPECTIVE JUROR: Yes, for Northrop Grumman.

4 THE COURT: Thank you, Ms. Rohrig-Bunn. You may return  
5 to your seat.

6 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

7 THE COURT: I'm going to go on to the second group of  
8 three questions. There may be four. I want to know, have you  
9 or any member of your family so far as you know, had any  
10 business or social dealings or contacts with ISIS, or with any  
11 member of ISIS.

12 Next, have you or any member of your family, so far as  
13 you know, had any contacts or been involved in any way with the  
14 Syrian Defense Force, or the Kurds.

15 Have you or any member of your family, so far as you  
16 know, been involved in any way with a terrorist, or any  
17 designated Foreign Terrorist Organization.

18 And finally, have you or any member of your family ever  
19 been kidnapped or held hostage by anyone for ransom or for any  
20 other reason.

21 If you have an affirmative answer to any of those  
22 questions, raise your hand and I'll have you come forward one at  
23 a time. One hand over here.

24 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

25 THE COURT: Yes, ma'am. Can you hear me?

1 PROSPECTIVE JUROR: Yes. Yes, I can, sir. My name  
2 Yordanka Stefanova.

3 THE COURT: Ms. Stefanova, which question do you have  
4 an affirmative answer to?

5 PROSPECTIVE JUROR: I believe it was the last one,  
6 where you asked if we have any dealings with ISIS. I don't have  
7 any dealings with, but we do investigate counterterrorism crises  
8 and cases on a daily basis. So in my department manager job  
9 role, I investigate such cases pretty much on a daily basis by  
10 providing foreign language support to all the counterterrorism  
11 cases that are under my purview.

12 THE COURT: And for whom do you work?

13 PROSPECTIVE JUROR: I work for the language services  
14 department of the FBI.

15 THE COURT: I see. You may remove your earphones for a  
16 moment.

17 Counsel, Mr. Fitzpatrick, any further questions you  
18 think I should ask this person?

19 MR. FITZPATRICK: No further questions, Your Honor.

20 THE COURT: What's your view on whether she should be  
21 stricken?

22 MR. FITZPATRICK: We agree she can be stricken,  
23 Your Honor.

24 THE COURT: Any objection, Mr. MacMahon?

25 MR. MACMAHON: No objection, Your Honor. Thank you.



1 THE COURT: All right. She is stricken.

2 Thank you. You may step down.

3 May I have your name, please.

4 PROSPECTIVE JUROR: My name is Paul Wolfgramm.

5 THE COURT: All right, sir. And Mr. Wolfgramm, which  
6 questions do you have an affirmative answer to?

7 PROSPECTIVE JUROR: I suppose the first one relating to  
8 ISIS. I wanted to disclose that while attending William & Mary  
9 law school, while a writer on their Constitutional Law Journal,  
10 I published a note on a counterterrorism technology. And in my  
11 current work for Lockheed Martin Corporation, I support a  
12 variety of programs, some of which are Department of Defense and  
13 Homeland Security programs.

14 So I don't have any direct affiliations or knowledge of  
15 any members of ISIS or the Syrian resistance movement, but I did  
16 want to disclose that I have some, you know, work with, you  
17 know, in the counterterrorism fields, just in those capacities.

18 THE COURT: What's the title of the article you wrote?

19 PROSPECTIVE JUROR: "Power and Responsibility" -- it  
20 was on advanced scanning technologies. I'm embarrassed, I don't  
21 recall the exact title.

22 THE COURT: When you say scanning technologies, is your  
23 area of expertise electronics, IT work?

24 PROSPECTIVE JUROR: I'm currently -- I negotiate  
25 nondisclosure agreements for Lockheed Martin Corporation. In

1 the note, it was on a laser scanning technology that could be  
2 installed in airports to detect explosives, among other  
3 contraband.

4 THE COURT: All right. And tell me again what your  
5 current duties are.

6 PROSPECTIVE JUROR: I work for Lockheed Martin  
7 Corporation in the legal department. I negotiate nondisclosure  
8 agreements, primarily with private companies, other defense  
9 contracting contractors and subcontractors, and occasionally  
10 advise on our -- advise our team members who do have  
11 communications with the government consumer, you know, perhaps  
12 in the DoD or the Department of Homeland Security.

13 THE COURT: All right. And am I correct that on the  
14 precise question I asked, whether you knew or had any business  
15 or social dealings with any members of ISIS or ISIS in any  
16 capacity, your answer would be "no"?

17 PROSPECTIVE JUROR: Correct. No.

18 THE COURT: Now, tell me this. Are you a member of the  
19 bar?

20 PROSPECTIVE JUROR: I am not, no.

21 THE COURT: So you're not currently practicing? Law.

22 PROSPECTIVE JUROR: Correct. I work as nonattorney  
23 staff.

24 THE COURT: And have you ever practiced law in the  
25 criminal area?

1 PROSPECTIVE JUROR: No, sir.

2 THE COURT: All right. You may remove your earphones  
3 for just a moment, please.

4 Mr. Fitzpatrick, Mr. MacMahon, do you have anything  
5 further? First, Mr. Fitzpatrick, do you want any more questions  
6 asked of this person?

7 MR. FITZPATRICK: No, Your Honor.

8 THE COURT: Mr. MacMahon?

9 MR. MACMAHON: No, Your Honor.

10 THE COURT: All right. Put it back on, please, sir.

11 Mr. Wolfgramm, you've heard now what this case is  
12 generally about because you've heard the charges from the  
13 indictment, which is not proof or evidence of guilt of any kind,  
14 but it does give you a sense of what the government has to show  
15 in this case. Do you feel that you can sit and pay careful  
16 attention to the evidence and render a fair and an impartial  
17 verdict based only on the evidence and the Court's instructions  
18 on the law?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: All right. Thank you, sir. You may return  
21 to your seat.

22 Can you hear me?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: May I have your name, please, sir.

25 PROSPECTIVE JUROR: Stephan Brown.

1 THE COURT: Tell me which questions you have an answer  
2 to.

3 PROSPECTIVE JUROR: Family contact with ISIS and the  
4 Syrian Defense Forces.

5 THE COURT: All right. Tell me about that.

6 PROSPECTIVE JUROR: My father is an Air Force commander  
7 in Western Iraq, and I believe in either 2019 or 2020, handled  
8 combat operations against ISIS. And also detainee exchanges, I  
9 believe.

10 THE COURT: And this was your father?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: And am I correct that he was an aviator, or  
13 a pilot, as we would call them in the Navy?

14 PROSPECTIVE JUROR: No, sir. He was a squadron  
15 commander for airfield operations.

16 THE COURT: Oh, I see. He was not the pilot, then?

17 PROSPECTIVE JUROR: No, I believe he commanded the  
18 entire Air Force side of the base.

19 THE COURT: And what did he do with respect to ISIS?

20 PROSPECTIVE JUROR: So I believe he facilitated a  
21 prisoner exchange of basically captured ISIS personnel to either  
22 the Turks or the Kurds, and he also handled basically outgoing  
23 air strikes against ISIS positions in Western Iraq.

24 THE COURT: And what if any relationship did he have  
25 with the Kurds?

1 PROSPECTIVE JUROR: I am not clear. I believe any  
2 relationship he had would have been official only.

3 THE COURT: All right. Do you feel that having a  
4 father who is so employed -- during what period of time?

5 PROSPECTIVE JUROR: I believe this was 2019 or 2020.

6 THE COURT: During that period of time, would that  
7 prevent or hinder you in any way from rendering a fair and an  
8 impartial verdict in this case based only on the evidence and  
9 the Court's instructions on the law?

10 PROSPECTIVE JUROR: No, sir.

11 THE COURT: Do you have answers to any of the other  
12 questions the Court put to you?

13 PROSPECTIVE JUROR: No, sir.

14 THE COURT: Would you remove your earphones for a  
15 moment, please?

16 PROSPECTIVE JUROR: Yes, sir.

17 THE COURT: Do you have any further questions,  
18 Mr. Fitzpatrick, that you suggest I ask this person, who appears  
19 to be a military analyst with the CIA?

20 MR. FITZPATRICK: Well, I suppose the appropriate  
21 question would be, has he worked on military operations in  
22 Northern Syria as part of his job responsibilities.

23 THE COURT: All right. I'll ask that.

24 Mr. MacMahon, do you have information you would like to  
25 have?

1 MR. MACMAHON: Your Honor, I would like to know if he  
2 got any information from his father about the details of any of  
3 these prisoner exchanges, especially with respect to  
4 Mr. Elsheikh. Because even in the timeframe he's talking about,  
5 we're very close to the timeframe where the exchange was made  
6 where Mr. Elsheikh was sent to America from Kurdish custody.

7 THE COURT: All right. I think I will ask both of  
8 those. But I'm thinking more about this, and it seems to me  
9 that -- is there an agreement among the parties --

10 MR. MACMAHON: I think there is an agreement that this  
11 juror can be excused, Your Honor. I don't want to speak for  
12 Mr. Fitzpatrick.

13 MR. FITZPATRICK: We agree, Your Honor.

14 THE COURT: All right.

15 Thank you, sir. You may return to your seat.

16 I think that's a sensible agreement.

17 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

18 THE COURT: That completes that group. Let me go on to  
19 the next group of questions. Have you or any member of your  
20 family worked for a charitable aid organization or media  
21 organization in Iraq or Syria between 2012 and 2019?

22 Have you or any member of your family served in the  
23 United States Armed Forces, or with any governmental agency in  
24 Iraq or Syria, between 2012 and 2019?

25 And finally, do you have the ability to speak or

1 understand the Arabic or Kurdish languages.

2 If you have affirmative answers to those, come forward,  
3 please.

4 COURT SECURITY OFFICER: None, Your Honor.

5 THE COURT: Next group of questions. The defendant in  
6 this case is an adherent of the Muslim faith. Is there anything  
7 about that fact which would prevent or hinder you in any way  
8 from serving as a fair and an impartial juror in this case, and  
9 reaching a fair and an impartial verdict based only on the  
10 evidence presented and the Court's instructions on the law?

11 The next question is, this trial may last three and  
12 perhaps as many as four weeks, no greater than that. But three  
13 or four weeks. And I want to know whether there's anything  
14 which would prevent or hinder you from serving as a juror for  
15 that length of time. That is, could you sit and pay careful and  
16 close attention to the evidence as it's presented, and render a  
17 fair and impartial verdict based on the evidence and the Court's  
18 instructions on the law, given that it's a three to four-week  
19 trial?

20 All right. Come forward if you have answers to that.

21 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

22 THE COURT: Can you hear me, sir?

23 PROSPECTIVE JUROR: Yes, I can.

24 THE COURT: May I have your name, please?

25 PROSPECTIVE JUROR: Laurence Bourne.

1 THE COURT: Mr. Bourne, which question do you have an  
2 answer to?

3 PROSPECTIVE JUROR: It's the second one. I have  
4 nonrefundable plane tickets on April 23rd and April 30th. I  
5 don't know how important that is, but --

6 THE COURT: It is important. It's appropriate for you  
7 to bring that to my attention. Where do these tickets go to?

8 PROSPECTIVE JUROR: Dallas and back. And then May 15th  
9 I'm going to Los Angeles to visit my kids.

10 THE COURT: All right. Why are you going to Dallas?

11 PROSPECTIVE JUROR: Visiting family.

12 THE COURT: Now, these are nonrefundable?

13 PROSPECTIVE JUROR: Correct.

14 THE COURT: All right. Remove your earphones for a  
15 moment, please.

16 Mr. Fitzpatrick, do you have any more information you  
17 think I should have this person divulge?

18 MR. FITZPATRICK: No, Your Honor. We would have no  
19 objection to striking this juror.

20 THE COURT: Mr. MacMahon?

21 MR. MACMAHON: Same, Your Honor.

22 THE COURT: All right. I'll strike him.

23 Thank you. You may return to your seat. Next.

24 Can you hear me, sir?

25 PROSPECTIVE JUROR: (No verbal response.)



1 THE COURT: May I have your name, please?

2 PROSPECTIVE JUROR: Jose Feliciano-Ruiz.

3 THE COURT: I see your name. Spell your last name,  
4 please. It's not on my list.

5 PROSPECTIVE JUROR: Ruiz, R-U-I-Z.

6 THE COURT: That's what's not on my list. Which  
7 question do you have an answer to?

8 PROSPECTIVE JUROR: It's about the length of the trial.

9 THE COURT: Yes, sir.

10 PROSPECTIVE JUROR: I just start a new job, and I'm  
11 afraid if I'm gone for that long, they'll -- I'll be replaced.  
12 I won't be able to go back to it.

13 THE COURT: Who is the employer?

14 PROSPECTIVE JUROR: Amazon.

15 THE COURT: And what do you do for them?

16 PROSPECTIVE JUROR: Corporate receptionist.

17 THE COURT: And how long have you had the job?

18 PROSPECTIVE JUROR: A month.

19 THE COURT: All right. Would you remove your earphones  
20 for a moment, please.

21 Mr. Fitzpatrick, what additional information would you  
22 like to have? It seems to me this is an entry level person who  
23 has got a job, he's only had it for a short amount of time, and  
24 he's concerned that if he serves on this jury, he won't have a  
25 job. I think his concern is valid, but I can ask him further

1 questions.

2 MR. FITZPATRICK: No, I agree, Your Honor. No  
3 objection if the juror is struck.

4 THE COURT: Mr. MacMahon?

5 MR. MACMAHON: No objection if the juror is struck,  
6 Your Honor.

7 THE COURT: All right. He is stricken.

8 You may step down, sir. Thank you.

9 Can you hear me, sir?

10 PROSPECTIVE JUROR: Yes, I can hear you.

11 THE COURT: May I have your name, please, sir.

12 PROSPECTIVE JUROR: Oscar Novo.

13 THE COURT: Spell your last name.

14 PROSPECTIVE JUROR: N-O-V-O.

15 THE COURT: Yes, Mr. Novo, you're an art instructor.  
16 Is that right?

17 PROSPECTIVE JUROR: Correct.

18 THE COURT: Tell me which question you have an answer  
19 to.

20 PROSPECTIVE JUROR: Well, the issue is the question  
21 about the three to four weeks.

22 THE COURT: Yes.

23 PROSPECTIVE JUROR: I have two part-time jobs, I don't  
24 have a full-time job. So in one of them as an art teacher, I'm  
25 part-time employed as a contractor so I don't get paid during

1 the jury duty. So it's just too long for me to afford not to be  
2 able to work in those two jobs. Neither of the two is full  
3 time, so...

4 THE COURT: All right. Remove your earphones for a  
5 moment.

6 PROSPECTIVE JUROR: Sure.

7 THE COURT: Mr. Fitzpatrick, any additional information  
8 you need?

9 MR. FITZPATRICK: No, Your Honor. No objection if the  
10 juror is struck.

11 THE COURT: Mr. MacMahon?

12 MR. MACMAHON: No objection as well, Your Honor. Thank  
13 you.

14 THE COURT: He's stricken.

15 You may return to your seat.

16 What number was he?

17 MR. MACMAHON: 28, Your Honor.

18 THE COURT: Thank you.

19 Can you hear me?

20 PROSPECTIVE JUROR: Yes, sir.

21 THE COURT: What is your name, please?

22 PROSPECTIVE JUROR: Deanna Rohrig-Bunn.

23 THE COURT: Yes, Ms. Rohrig-Bunn. Do you prefer both  
24 names?

25 PROSPECTIVE JUROR: That's fine.

1 THE COURT: Which question do you have an answer to?

2 PROSPECTIVE JUROR: The first one, for the length of  
3 service.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR: My mother-in-law was diagnosed with  
6 pancreatic cancer on Friday, and we find out tomorrow about her  
7 surgery and her care afterwards. And they're looking to  
8 schedule something sooner rather than later.

9 THE COURT: Yes, I understand entirely. Pancreatic  
10 cancer requires prompt treatment. And so this is your mother?

11 PROSPECTIVE JUROR: My mother-in-law.

12 THE COURT: Remove your earphones for a moment, please.

13 Mr. Fitzpatrick, any objection to striking this person?

14 MR. FITZPATRICK: No, Your Honor.

15 THE COURT: Mr. MacMahon?

16 MR. MACMAHON: No, Your Honor.

17 THE COURT: All right. She is number...

18 MR. MACMAHON: 33.

19 THE COURT: 33. And she is stricken.

20 Thank you. You may return to your seat.

21 Can you hear me?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: May I have your name?

24 PROSPECTIVE JUROR: Esthar Zangeneh. I think I was the  
25 last one on the list.

1 THE COURT: Yes, you were. Zangeneh. Is that right?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: All right. And you're a software test  
4 engineer?

5 PROSPECTIVE JUROR: Yes, correct.

6 THE COURT: Tell me which question you have an answer  
7 to.

8 PROSPECTIVE JUROR: So I am going out of country on  
9 May 13th, and since you said that the trial might take three to  
10 four weeks, I just wanted to bring that up to you.

11 THE COURT: May I ask where you're going?

12 PROSPECTIVE JUROR: Yes, I'm going to Cancun, Mexico.

13 THE COURT: So this is a vacation?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: Perfectly understandable. You may not be  
16 selected as a juror. If you are, I think it may be done by the  
17 13th of May, because I need to be elsewhere on the 13th of May.

18 PROSPECTIVE JUROR: Okay.

19 THE COURT: But you may not be selected.

20 PROSPECTIVE JUROR: Okay. Thank you.

21 THE COURT: And I imagine I could be replaced. We can  
22 all be replaced. Nobody is essential. Thank you. But  
23 otherwise, if this lasts three weeks, until about the 1st of  
24 May, I assume you can sit and pay careful and close attention to  
25 the evidence, and render a fair and an impartial verdict based

1 only on the evidence and the Court's instructions on the law?

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: All right. Thank you. You may return to  
4 your seat.

5 Can you hear me?

6 PROSPECTIVE JUROR: Yes, sir.

7 THE COURT: May I have your name, please?

8 PROSPECTIVE JUROR: My name is Hayleigh Royston-Lee.

9 THE COURT: Yes, let me find it. One moment.

10 Ms. Royston-Lee, you're a registered nurse?

11 PROSPECTIVE JUROR: I am, sir. ICU.

12 THE COURT: Do you have a specialty? You say the  
13 intensive care unit?

14 PROSPECTIVE JUROR: Uh-huh.

15 THE COURT: And which question do you have an answer  
16 to?

17 PROSPECTIVE JUROR: For your question of the duration,  
18 three to four weeks, I will be out of the country from  
19 April 20th until May 4th, on a vacation.

20 THE COURT: Have you already made the reservations?

21 PROSPECTIVE JUROR: Yes, sir, I have.

22 THE COURT: And paid for the tickets?

23 PROSPECTIVE JUROR: Yes, sir.

24 THE COURT: Where are you headed?

25 PROSPECTIVE JUROR: I'm going to an ice cold island

1 called the Faroe Islands.

2 THE COURT: I know where the Faroe Islands are. They  
3 belonged to Denmark.

4 PROSPECTIVE JUROR: Yes.

5 THE COURT: Yes, all right. Remove your earphones,  
6 please.

7 Mr. Fitzpatrick, do you have any reason I shouldn't  
8 excuse this person?

9 MR. FITZPATRICK: That's fine with the government,  
10 Your Honor. No objection.

11 THE COURT: How about Mr. MacMahon?

12 MR. MACMAHON: No, Your Honor.

13 THE COURT: To what?

14 MR. MACMAHON: Oh, no -- sorry. Your question was if I  
15 had any reasons to object, and I said, "No, Your Honor," meaning  
16 no objection.

17 THE COURT: Thank you, Mr. MacMahon. Brings back  
18 memories. The Faroe Islands was the first question put to me by  
19 a panel of three ambassadors in my foreign service entrance  
20 examination. And I knew the answer. I didn't know the answer  
21 to many of the other questions.

22 Thank you. You may step down.

23 Actually, the question was, I was given a situation,  
24 and they were speaking Danish and they were on a ship, and they  
25 gave me the heading of the ship and they wanted to know where

1 the ship was going and why. And I told them it was going to the  
2 Faroe Islands, because that was owned by the Danes and the  
3 language was Danish. I got lucky.

4 Can you hear me?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: What is your name, please?

7 PROSPECTIVE JUROR: It's Jean Counts.

8 THE COURT: Yes. It says you're in education with the  
9 Fairfax County public schools. Do you teach?

10 PROSPECTIVE JUROR: I do.

11 THE COURT: What do you teach?

12 PROSPECTIVE JUROR: I teach government, ironically.

13 THE COURT: Why is that ironic? I think that's  
14 wonderful.

15 PROSPECTIVE JUROR: It is. Being here is very fitting  
16 to my job.

17 THE COURT: I quite agree with you. I quite agree.  
18 It's an experience, and if you have it, it gives you an  
19 experience that you can use to impart to your students.

20 PROSPECTIVE JUROR: Absolutely.

21 THE COURT: Which question do you have an answer to?

22 PROSPECTIVE JUROR: I guess my question was, the three  
23 to four-week timeframe that you set, is it soon? I ask  
24 because --

25 THE COURT: Is it soon? It's starting now.



1 PROSPECTIVE JUROR: Oh, God. Because I also coach at  
2 my high school, and we travel next week for six days. So I  
3 didn't know if that was something -- I'm taking 25 kids off to  
4 Florida, so I didn't know if that was something that would get  
5 in the way.

6 THE COURT: Yes, it would. Because the trial starts  
7 now. This is part of the trial. We'll be hearing evidence  
8 tomorrow, and it goes for three weeks, at a minimum. So it  
9 would interrupt that. What sport do you coach?

10 PROSPECTIVE JUROR: I coach lacrosse.

11 THE COURT: I see. Well, I assume there are others who  
12 can substitute for you if you're selected? You may not be  
13 selected, but if you are, can you make arrangements for someone  
14 else to take your duties?

15 PROSPECTIVE JUROR: Possibly. I'm the head coach.  
16 This is the problem. I'm the person in charge, through the  
17 school and through the county's eyes, through the risk  
18 management and everything. There's one other coach coming, but  
19 she has a small child, so I'm not sure how much she can take  
20 over with 23 kids.

21 THE COURT: Yes. Remove your earphones for a moment,  
22 if you would, please.

23 Mr. Fitzpatrick, I can understand if there are a number  
24 of coaches. She's the head coach for a high school team.

25 MR. FITZPATRICK: We agree, Your Honor.

1 THE COURT: Mr. MacMahon?

2 MR. MACMAHON: I'm very sympathetic to lacrosse  
3 coaches, so I agree as well.

4 THE COURT: I met a college lacrosse coach once, and I  
5 came away from that meeting very grateful that I never played  
6 college lacrosse. He now coaches for the University of Denver.  
7 You know who I'm talking about?

8 MR. MACMAHON: Coach Tierney.

9 THE COURT: Yes, I am. He is one tough customer.

10 MR. MACMAHON: I know him well, Your Honor.

11 THE COURT: Did you play for him?

12 MR. MACMAHON: No, no. But I played in club games and  
13 summer games where he was coaching, and he was a tough man.

14 THE COURT: Very tough man. Well, I see that the  
15 parties are not in disagreement. I can excuse this person?

16 MR. MACMAHON: Yes, Your Honor.

17 MR. FITZPATRICK: Yes.

18 THE COURT: Thank you. You may return to your seat.

19 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

20 THE COURT: I have one final overarching question. I  
21 think it's already been addressed, but I want to give you an  
22 opportunity if you didn't. You've now heard, from my summary of  
23 portions of the indictment, what this case is about, you know  
24 how long it will take. I want to know whether there's any  
25 reason why any of you couldn't sit and pay careful and close

1 attention to the evidence as it is presented, and then render a  
2 fair and an impartial verdict based only on the evidence  
3 presented and the Court's instructions on the law.

4 Now, if you've already been up here and told me what it  
5 is that you need to tell me, you don't need to do it again.  
6 You've done it once. Anyone want to come back up here? I'm not  
7 surprised to see that there isn't -- oh, there's a very bold  
8 gentleman.

9 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

10 THE COURT: All right. Can you hear me?

11 PROSPECTIVE JUROR: Yes, I can hear you, sir.

12 THE COURT: What is your name?

13 PROSPECTIVE JUROR: My name is Jimmy Edwards.

14 THE COURT: Just a moment. Let me find your name.  
15 Mr. Edwards. You're a software engineer?

16 PROSPECTIVE JUROR: Yeah. My concern is that my  
17 English is not good enough to handle the legal stuff. English  
18 is not my native language. I came to this country -- I mean,  
19 for whatever has been going on in this court just now, I could  
20 only follow maybe 80 or 85 percent.

21 THE COURT: All right. Thank you. That's important  
22 that you brought that to my attention. If you're selected - and  
23 you may not be selected - I give you the privilege of raising  
24 your hand if you miss something and I'll have it repeated.  
25 Actually, English was not my first language either, and most

1 people will tell you if they have enough contact with me, that  
2 it's obvious. That's after 60 years or 70 years.

3 All right, sir. Thank you for bringing that to my  
4 attention. Remove your earphones for a moment, please.

5 PROSPECTIVE JUROR: Thank you.

6 THE COURT: Mr. Fitzpatrick?

7 MR. FITZPATRICK: We would have no objection to  
8 striking this juror.

9 MR. MACMAHON: No objection, Your Honor.

10 THE COURT: All right. He's stricken. One more. Two  
11 more after this.

12 Can you hear me?

13 PROSPECTIVE JUROR: Yes.

14 THE COURT: What is your name, please?

15 PROSPECTIVE JUROR: Julie Bae.

16 THE COURT: Yes, Ms. Bae. What do you want to bring to  
17 my attention?

18 PROSPECTIVE JUROR: Yes, actually, my English is not  
19 the clearest, so sometimes I can either misunderstand and  
20 it's...yeah.

21 THE COURT: All right. What is your native language?

22 PROSPECTIVE JUROR: Korean.

23 THE COURT: All right. And what's your occupation?  
24 You're a financial professional?

25 PROSPECTIVE JUROR: Yes.

1 THE COURT: What do you do as a financial professional?

2 PROSPECTIVE JUROR: I'm working at the National Life  
3 Group with the -- I sell insurance and then tax saving plan.  
4 But most of the client is Korean, so...

5 THE COURT: All right. Thank you, Ms. Bae. You may  
6 remove your earphones --

7 PROSPECTIVE JUROR: Thank you.

8 THE COURT: -- for a minute. Stay there, but remove  
9 your earphones.

10 Mr. Fitzpatrick?

11 MR. FITZPATRICK: Same response, Your Honor. No  
12 objection if the juror is struck.

13 MR. MACMAHON: No objection, Your Honor.

14 THE COURT: Ms. Bae, you may step down.  
15 Can you hear me?

16 PROSPECTIVE JUROR: Yes, I can.

17 THE COURT: May I have your name, please?

18 PROSPECTIVE JUROR: Hatim Reta.

19 THE COURT: Let me find your name here. Give it to me  
20 again, please.

21 PROSPECTIVE JUROR: Hatim Reta.

22 THE COURT: 31, thank you. Ah, yes, Hatim Reta. Yes,  
23 ma'am. And what's your answer?

24 PROSPECTIVE JUROR: My kids go to Fairfax County public  
25 school, so next week is Spring Break so I may not have care for

1 Monday and Tuesday next week. So I'm afraid I may not be able  
2 to participate if I can on Monday and Tuesday next week, which  
3 is the week of April 4th.

4 THE COURT: What you're saying is you have two small  
5 children and spring vacation is coming, and you are their sole  
6 care provider?

7 PROSPECTIVE JUROR: No, my husband also cares for them,  
8 but he has to go to work on Monday and Tuesday next week.

9 THE COURT: Well, can he stay home Monday and Tuesday  
10 of next week while you serve on a jury for three weeks?

11 PROSPECTIVE JUROR: I will ask him, but I'm not  
12 100 percent sure.

13 THE COURT: Well, what does your husband do?

14 PROSPECTIVE JUROR: He's works for the World Bank as a  
15 network engineer.

16 THE COURT: All right. How old are your children?

17 PROSPECTIVE JUROR: Seven and nine.

18 THE COURT: Good ages.

19 PROSPECTIVE JUROR: Yeah.

20 THE COURT: They still do what you tell them to do.

21 PROSPECTIVE JUROR: They do, yeah. They do sometimes.  
22 Not all the time, but yeah.

23 THE COURT: Be prepared. The day is coming when they  
24 won't. Remove your earphones for a moment, please.

25 PROSPECTIVE JUROR: All right.

1 THE COURT: Mr. Fitzpatrick, I think she could make  
2 other arrangements, but I'm not sure that it's a good thing to  
3 do. But if the parties don't agree, I may well keep her on.

4 What's your view, Mr. Fitzpatrick and Mr. MacMahon? Do  
5 you want to discuss it?

6 MR. FITZPATRICK: I'll defer to Mr. MacMahon.

7 MR. MACMAHON: I was going to say, I'll defer to him.  
8 It's up to the Court, Your Honor. If you want to excuse her, I  
9 won't object.

10 THE COURT: I'm going to excuse her. I think it's  
11 difficult in a situation like this. I could require it, but I  
12 don't think it's good.

13 You may return to your seat. Next.

14 Can you hear me, sir?

15 PROSPECTIVE JUROR: Yes, Your Honor, I can.

16 THE COURT: What is your name, please, sir?

17 PROSPECTIVE JUROR: Russell Ruud.

18 THE COURT: Yes, Mr. Ruud. You're a software  
19 developer?

20 PROSPECTIVE JUROR: I am.

21 THE COURT: And you work for SWIFT. What is SWIFT?

22 PROSPECTIVE JUROR: Society for Worldwide Interbank  
23 Financial Telecommunication.

24 THE COURT: About which, yes, we've heard a good deal  
25 about SWIFT. All right. Go ahead, sir.

1           PROSPECTIVE JUROR: So I relied on the kindness of two  
2 other people to get me here this morning. I have a broken toe,  
3 and I probably should have come up when you said three to four  
4 weeks. But I was rationalizing that I could find some way to  
5 get here.

6           THE COURT: Where do you live?

7           PROSPECTIVE JUROR: Manassas, right on the edge of the  
8 district. Prince William County.

9           THE COURT: Well, Eastern District goes beyond that.

10          PROSPECTIVE JUROR: A fair ways out, though.

11          THE COURT: Can you make arrangements for someone to  
12 drive you here? A spouse, for example?

13          PROSPECTIVE JUROR: I'm afraid not. I have some people  
14 that I could probably find a way to get me here, it would just  
15 be difficult. And I have an appointment for the broken toe next  
16 week that I would prefer to be able to attend. I don't know if  
17 that's -- I don't know what the schedule of the court dates are,  
18 if there was some time when I could get off during that week to  
19 do that.

20          Also, I came because I would prefer not to be  
21 disqualified, because I think this is important. But this is  
22 logistically difficult for me.

23          THE COURT: How did you get here today?

24          PROSPECTIVE JUROR: My housemate drove me to my  
25 parents, and my mom drove me the rest of the way here.



1 THE COURT: I see. Well, you may not be selected. If  
2 you were, could your mother drive you every day?

3 PROSPECTIVE JUROR: Not likely.

4 THE COURT: It might bring back memories for her,  
5 driving her son every day.

6 PROSPECTIVE JUROR: Yes, as much as I would appreciate  
7 said memories.

8 THE COURT: All right. Remove your earphones for a  
9 moment.

10 PROSPECTIVE JUROR: Yes, sir.

11 THE COURT: All right. Mr. Fitzpatrick, Mr. MacMahon,  
12 it's been 34-plus years. I don't remember a broken toe in those  
13 years, but it does seem to me that it presents a hardship for  
14 him. I assume he can't drive. I didn't ask him, and I can do  
15 that if you wish.

16 MR. FITZPATRICK: No, Your Honor. That's fine, we have  
17 no objection if he's struck.

18 MR. MACMAHON: No objection if he's struck, Your Honor.

19 THE COURT: All right. He's stricken.

20 You may step down.

21 Anyone else?

22 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

23 THE COURT: Anyone else not have an opportunity to say  
24 something that they wanted to say in response to the questions  
25 I've asked? And the record will reflect no hands.

1           The following persons may depart, with our thanks. Let  
2 me ask counsel. As you know, I have reviewed what you provided  
3 and I have conducted a voir dire that I think is adequate. But  
4 if there are any additional questions you think I should ask,  
5 I'll put on the earphones, Mr. Fitzpatrick or Mr. MacMahon, and  
6 I'll hear any other questions you think should be asked.

7           MR. FITZPATRICK: Nothing further from the government.

8           MR. MACMAHON: Same as before, Your Honor. We would  
9 prefer if you had asked all the questions in our voir dire. I  
10 would have one motion to strike.

11           THE COURT: All right. And I'll take that up right  
12 now.

13           (BENCH CONFERENCE ON THE RECORD.)

14           MR. MACMAHON: Juror number 48, I'm aware that in the  
15 end he said he could be fair and impartial, but this is somebody  
16 who works in the counterintelligence, counterterrorism field.

17           THE COURT: For Lockheed Martin, as I recall.

18           MR. MACMAHON: And Department of Defense and Department  
19 of Homeland Security. He appeared to know enough about ISIS to  
20 be able to articulate what it was that he worked on or  
21 otherwise. And I just think that he's not an appropriate juror  
22 in the case, that it's too close to know a lot of the issues  
23 that may come up in this case.

24           THE COURT: Mr. Fitzpatrick?

25           MR. FITZPATRICK: Your Honor, I think at the end of his

1 dialogue with the Court he answered the question appropriately,  
2 that he could be fair and impartial. I mean, he works in  
3 nondisclosure agreements in a contract position. I don't know  
4 if he's an analyst in the field currently. He wrote a note in  
5 law school, fairly common occurrence; obviously nothing that  
6 disqualifies him from sitting on this jury panel.

7 THE COURT: Mr. MacMahon, I don't see anything in the  
8 answers to the questions I asked that would disqualify him. I  
9 don't think that someone who knows anything about ISIS is  
10 disqualified, so I'm going to deny your motion to strike for  
11 cause.

12 I have one question I'm going to ask another juror that  
13 I missed. So take your earphones off and I'll do that.

14 (END BENCH CONFERENCE.)

15 THE COURT: Mr. White? Is Mr. White here? I'm not  
16 sure I asked you. We're going to bring a microphone to you.  
17 Mr. White, I note that you're an attorney. Is that correct?

18 PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: And what is the nature of your law  
20 practice?

21 PROSPECTIVE JUROR: I'm an associate member of the  
22 Virginia bar. I don't practice actively. I work at a law firm.

23 THE COURT: You work where?

24 PROSPECTIVE JUROR: I work at Wilmer Hale.

25 THE COURT: But I take it you work as a lawyer?

1 PROSPECTIVE JUROR: No, sir. I work in the  
2 administration of the firm.

3 THE COURT: I see. So you don't have an area of law  
4 that you practice in?

5 PROSPECTIVE JUROR: That's correct.

6 THE COURT: Have you ever represented a person in a  
7 criminal defense situation? That is, have you ever been a  
8 defense lawyer in a criminal case?

9 PROSPECTIVE JUROR: No, Your Honor.

10 THE COURT: Ever been a prosecutor?

11 PROSPECTIVE JUROR: No, Your Honor.

12 THE COURT: All right. Is there anything about your  
13 work as an executive officer at a law firm that would prevent or  
14 hinder in any way from rendering a fair and an impartial verdict  
15 in this case?

16 PROSPECTIVE JUROR: No, Your Honor.

17 THE COURT: Thank you. You may be seated. Put on the  
18 earphone one last time.

19 (BENCH CONFERENCE ON THE RECORD.)

20 THE COURT: Mr. Fitzpatrick, can you hear me?

21 MR. FITZPATRICK: Yes, Your Honor.

22 THE COURT: Mr. MacMahon, can you hear me?

23 MR. MACMAHON: Yes, Your Honor.

24 THE COURT: I'm going to now excuse the people I've  
25 excused, and then I'm going to take a recess and I'm going to

1 have the court security officer bring everyone up from the  
2 morning and the afternoon.

3 And then the next thing I will do is I will have the  
4 deputy clerk call 12 names to sit in the jury box. And then  
5 you'll each have an opportunity to strike as many as you wish,  
6 up to your limit of, I think it was nine for the government and  
7 13 for the defendant.

8 I struck number 9.

9 MR. MACMAHON: You struck number 9 from this morning,  
10 Your Honor.

11 MR. FITZPATRICK: That's correct.

12 (OFF THE RECORD.)

13 THE COURT: Number 9 for this afternoon group, as I see  
14 it, is a project manager for the CIA. Did I ask him questions,  
15 Mr. Fitzpatrick, relating to his business or his work at the  
16 CIA?

17 MR. FITZPATRICK: Your Honor, I think you may be  
18 referring to another juror. I believe number 9 is a female, and  
19 I'm not sure we got into her specific work responsibilities.

20 THE COURT: All right. I did strike a person this  
21 morning who was with the CIA.

22 MR. MACMAHON: If I may, Your Honor.

23 THE COURT: Yes.

24 MR. MACMAHON: You struck juror number 6 this  
25 afternoon, who is a CIA analyst.

1 THE COURT: Yes, that's what I remember. That's  
2 Mr. Brown.

3 MR. MACMAHON: Yes.

4 THE COURT: Yes. Any reason I need to ask...

5 (OFF THE RECORD.)

6 THE COURT: All right. Mr. Fitzpatrick, do you have  
7 any problem with number 9, Crawford?

8 MR. FITZPATRICK: No, Your Honor.

9 THE COURT: Mr. MacMahon, any problem with number 9?

10 MR. MACMAHON: On the list that I have, it doesn't say  
11 that she works at the CIA. But if she works at the CIA, I  
12 wouldn't think it would hurt to ask her a few questions about  
13 what she does.

14 THE COURT: Yes, I think she does work at the CIA, so  
15 I'll have her come forward.

16 MR. MACMAHON: It doesn't say it on any of the  
17 information I have, but out of an abundance of caution, I think  
18 we should have her up here.

19 THE COURT: Yes, I agree with you.

20 All right. Number 9, Ms. Crawford, a hyphenated name  
21 but it's scratched out on my list. Who is that? Yes, ma'am,  
22 could you come forward, please? Crawford-Murphy, yes, I see.

23 (INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

24 THE COURT: I'm sorry, Ms. Crawford-Murphy, I should  
25 have seen that in the first place. Take a seat, for a moment,

1 if you would, please. And put on the earphones if you would.

2 Now, Ms. Crawford-Murphy, can you hear me?

3 PROSPECTIVE JUROR: Yes.

4 THE COURT: For whom do you work?

5 PROSPECTIVE JUROR: Central Intelligence Agency.

6 THE COURT: Yes. You're a project manager for the CIA?

7 PROSPECTIVE JUROR: That's correct.

8 THE COURT: And what do you do as a project manager for  
9 the CIA?

10 PROSPECTIVE JUROR: As an executive staff officer, I  
11 manage the large scale organizational change.

12 THE COURT: Do you have anything to do with the CIA's  
13 work with respect to ISIS or the Kurds or Al-Qaeda or anything  
14 like that?

15 PROSPECTIVE JUROR: I do not.

16 THE COURT: Tell me what it is, once again, you do.  
17 I'm not familiar with that.

18 PROSPECTIVE JUROR: I am, in reference, an executive  
19 staff officer for the director's area. So we manage HR learning  
20 processes, or any project matter assigned by the director's  
21 area.

22 THE COURT: So is it fair to say that you don't have  
23 anything to do with the development of intelligence or the  
24 analysis of information or anything of that sort?

25 PROSPECTIVE JUROR: That is correct.

1 THE COURT: All right. Would you remove your earphones  
2 for a moment, please.

3 All right. Mr. Fitzpatrick, I didn't hear anything  
4 that raises any concerns about her ability to serve, and I will  
5 ask her a final question to ensure she can serve. But did you  
6 have any more questions about her?

7 MR. FITZPATRICK: No, Your Honor. The government  
8 thinks she's a suitable juror.

9 THE COURT: Yes, I think the reason, Mr. MacMahon, is  
10 that sometimes these lists are inadequate, and I ask for them to  
11 add more information, and it did add CIA to her. Now, have you  
12 heard anything that causes you to request more information from  
13 her?

14 MR. MACMAHON: No, Your Honor.

15 THE COURT: All right. Then I'm going to ask her a  
16 final question, and if she says she can serve as a fair and an  
17 impartial juror, then we'll go ahead.

18 All right. Mr. MacMahon, is that suitable?

19 MR. MACMAHON: Yes, Your Honor.

20 THE COURT: Ms. Crawford-Murphy, you heard a lot about  
21 what this case is about. Does any reason suggest itself to you  
22 why you would not be able to serve as a fair and an impartial  
23 juror in this case, and render a fair and an impartial verdict  
24 based only on the evidence and the Court's instructions on the  
25 law?



1 PROSPECTIVE JUROR: No.

2 THE COURT: Do you think you can be fair and impartial?

3 PROSPECTIVE JUROR: I can.

4 THE COURT: Thank you. You may return to your seat.

5 (END INDIVIDUAL VOIR DIRE BENCH CONFERENCE.)

6 THE COURT: I'm going to read that list one more time  
7 to counsel. Put on your earphones one more time.

8 (BENCH CONFERENCE ON THE RECORD.)

9 THE COURT: Mr. Fitzpatrick, are you on?

10 MR. FITZPATRICK: Yes.

11 THE COURT: Mr. MacMahon?

12 MR. MACMAHON: I am, Your Honor.

13 THE COURT: I'm going to read to you the list of people  
14 I have stricken from this second panel so we're on the same  
15 page. And they are as follows: Bae, B-A-E; Bourne, number 5 --  
16 number 1, Bae; number 5, Bourne; number 6, Brown; number 8,  
17 Counts; number 12, Edwards; number 13, Feliciano-Ruiz;  
18 number 28, Novo; number 31, Reta; number 33, something Bunn;  
19 number 34, Royston-Lee; number 40, Stefanova; number 42,  
20 Terzaken.

21 Does that list comport with yours, Mr. Fitzpatrick?

22 MR. FITZPATRICK: Court's indulgence.

23 THE COURT: Yes. I'll read it again if you wish.

24 MR. FITZPATRICK: No, that's fine, Your Honor.

25 Your Honor, I believe juror 35.

1 THE COURT: Yes, you're quite right. Ruud, number 35,  
2 is also stricken.

3 MR. FITZPATRICK: With that, Your Honor, I think that's  
4 correct.

5 THE COURT: Now, Mr. MacMahon, do you want me to read  
6 the list again?

7 MR. MACMAHON: No, Your Honor. I think that's the same  
8 ones I had.

9 THE COURT: I'm going to excuse these people and then  
10 we'll proceed. The way we'll proceed is we'll excuse those  
11 people, thank them, and I'll take a very brief recess, 10 or  
12 15 minutes. The court security officer will bring the others up  
13 from the morning session and we'll proceed with the jury  
14 selection.

15 Any questions?

16 MR. FITZPATRICK: No, Your Honor.

17 MR. MACMAHON: No, Your Honor.

18 (END BENCH CONFERENCE.)

19 THE COURT: All right. Ladies and gentlemen, I think  
20 we have completed the voir dire. As a result of the voir dire,  
21 the following persons are excused: Bae, Julie Jungeun Bae,  
22 number 1; Bourne, Laurence Bourne; Brown, Stephan James Brown;  
23 Counts, Jean Marie Counts; Edwards, Jimmy Edwards; 13,  
24 Feliciano-Ruiz; 28, Novo; 31, Reta; 33, Rohrig-Bunn; 34,  
25 Royston-Lee; 40, Stefanova; and 42, Terzaken; and number 35,

1 Ruud, William Russell Ruud.

2 All right. Those of you whose names I read are  
3 excused. You may depart. But I want you to depart knowing that  
4 the Court very much appreciates your participation. We could  
5 not have proceeded without you in this case today. Your  
6 participation was essential. Thank you. You may depart.

7 The rest of you remain here for a moment. Actually,  
8 longer than a moment. I'm going to take a recess now, and the  
9 recess will be until 3:35. And the purpose of the recess will  
10 be to combine the morning and the afternoon sessions. So a  
11 group of people will come up who were here in the morning and  
12 went through what you've been through this afternoon. And then  
13 from that, counsel will proceed, and we'll finish the jury  
14 selection process.

15 The first thing that will happen when you return is  
16 that the deputy clerk will call 12 names for people to come and  
17 sit in the jury box, and then we'll proceed with the jury  
18 selection. But you're free now for the next -- 3:35, return at  
19 3:35, and you may take that recess. There are bathrooms on more  
20 than one floor.

21 COURT SECURITY OFFICER: Yes, sir. Bathrooms on all  
22 floors.

23 THE COURT: You may do that. Court stands in recess  
24 until 3:35.

25 (Recess taken at 3:20 p.m.)

1 THE COURT: Ladies and gentlemen, thank you for your  
2 patience. We're now at the final stage of jury selection. A  
3 good number of you survived the morning session and returned at  
4 2:30. The rest of you survived the afternoon session and are  
5 now here to be combined with the morning group.

6 So the next thing that will happen is, I will have  
7 Ms. Randall, the deputy clerk, call 12 names at random; you'll  
8 come and sit in the jury box here, and the attorneys will have  
9 an opportunity to exercise their peremptory challenges. And  
10 after we pick 12, then we will pick alternates. And then we'll  
11 be done for today, I think. It may take a while.

12 All right. The deputy clerk may proceed.

13 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
14 I call your name, please come forward and have a seat in the  
15 jury box as directed by the security officer. Juror number 50,  
16 Laurie Younger, 9 a.m. group; juror number 19, Dae Kang,  
17 p.m. group; juror number 3, James Bailes, 9 a.m. group; juror  
18 number 20, Alfred Keyser, p.m. group; juror number 33, Joseph  
19 Pimenta, 9 a.m. group; juror number 41, Niamh Strei, p.m. group;  
20 juror number 36, Jody Redeker, 9 a.m. group; juror number 30,  
21 Mary Price, 1 p.m. group; Juror number 14, Anne Fay,  
22 9 a.m. group; juror number 4, Enriqueta Bond, 1 p.m. group;  
23 juror number 16, James Hanover, 9 a.m. group; and juror  
24 number 47, Adrian White, 1 p.m. group.

25 (Prospective jurors seated in jury box.)

1           COURTROOM CLERK: Will the following jurors please  
2     return to their seats in the courtroom: Juror number 19,  
3     Dae Kang, p.m. group; juror number 4, Enriqueta Bond,  
4     p.m. group; juror number 41, Niamh Strei, p.m. group; juror  
5     number 33, Joseph Pimenta, 9 a.m. group; juror number 30,  
6     Mary Price, 1 p.m. group; juror number 36, Jody Redeker,  
7     9 a.m. group; and juror number 16, James Hanover, 9 a.m. group.

8           (Stricken jurors return to courtroom.)

9           COURTROOM CLERK: Ladies and gentlemen of the jury, as  
10    I call your name, please come forward and have a seat in the  
11    jury box as directed by the security officer. Juror number 29,  
12    Wayne Phoel, 1 p.m. group; juror number 50, Esthar Zangeneh,  
13    1 p.m. group; juror number 22, John Kugelman, 9 a.m. group;  
14    juror number 26, Jennifer Murray, 1 p.m. group; juror number 40,  
15    Amanda Thomas, 9 a.m. group; juror number 46,  
16    Jeffrey Wallhermfecht, 1 p.m. group; and juror number 30,  
17    Camille Morrison, 9 a.m. group.

18           (Prospective jurors seated in jury box).

19           COURTROOM CLERK: Will the following jurors please  
20    return to their seats in the courtroom: Juror number 40,  
21    Amanda Thomas, 9 a.m. group; and juror number 46,  
22    Jeffrey Wallhermfecht, 1 p.m. group.

23           (Stricken jurors return to the courtroom.)

24           COURTROOM CLERK: Ladies and gentlemen of the jury, as  
25    I call your name, please come forward and have a seat in the

1 jury box as directed by the security officer: Juror number 24,  
2 Vicki Moffitt, 1 p.m. group; and juror number 25, Samantha Lee,  
3 9 a.m. group.

4 (Prospective jurors seated in the jury box.)

5 COURTROOM CLERK: Will the following juror please  
6 return to your seat in the courtroom: Juror number 25,  
7 Samantha Lee, 9 a.m. group.

8 Ladies and gentlemen of the jury, as I call your name,  
9 please come forward and have a seat in the jury box as directed  
10 by the security officer. Juror number 20, Anna Kinney,  
11 9 a.m. group.

12 MR. FITZPATRICK: Could you repeat that, please?

13 COURTROOM CLERK: Juror number 20, Anna Kinney,  
14 K-I-N-N-E-Y, 9 a.m. group.

15 (Prospective juror seated in the jury box.)

16 COURTROOM CLERK: Will the following juror please  
17 return to your seat in the courtroom: Juror number 20,  
18 Anna Kinney, 9 a.m. group.

19 (Stricken juror returns to the courtroom.)

20 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
21 I call your name, please come forward and have a seat in the  
22 jury box as directed by the security officer: Juror number 43,  
23 Amy Vernon, 9 a.m. group.

24 (Prospective juror seated in the jury box.)

25 COURTROOM CLERK: Will the following juror please

1 return to your seat in the courtroom: Juror number 43,  
2 Amy Vernon, 9 a.m. group.

3 (Stricken jury returns to the courtroom.)

4 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
5 I call your name, please come forward and have a seat in the  
6 jury box as directed by the security officer: Juror number 27,  
7 Guirlene Marc, 9 a.m. group.

8 (Prospective juror seated in the jury box.)

9 COURTROOM CLERK: Will the following juror please  
10 return to your seat in the courtroom: Juror number 27,  
11 Guirlene Marc, 9 a.m. group.

12 (Stricken juror returns to the courtroom.)

13 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
14 I call your name, please come forward and have a seat in the  
15 jury box as directed by the security officer: Juror number 17,  
16 Harold Honegger, 1 p.m. group.

17 (Prospective juror seated in the jury box).

18 COURTROOM CLERK: Will the following juror please  
19 return to your seat in the courtroom: Juror number 17,  
20 Harold Honegger, 1 p.m. group.

21 (Stricken juror returns to the courtroom.)

22 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
23 I call your name, please come forward and have a seat in the  
24 jury box as directed by the security officer: Juror number 29,  
25 Mark Mooney, 9 a.m. group.

1 (Prospective juror seated in jury box).

2 COURTROOM CLERK: Will the following juror please  
3 return to your seat in the jury box -- I'm sorry, please return  
4 to your seat in the courtroom: Juror number 29, Mark Mooney,  
5 9 a.m. group.

6 (Stricken juror returns to the courtroom.)

7 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
8 I call your name, please come forward and have a seat in the  
9 jury box as directed by the security officer: Juror number 38,  
10 Joseph Suitt, 9 a.m. group.

11 (Prospective juror seated in the jury box).

12 COURTROOM CLERK: Will the following juror please  
13 return to your seat in the courtroom: Juror number 38,  
14 Joseph Suitt, 9 a.m. group.

15 (Stricken juror returns to the courtroom.)

16 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
17 I call your name, please come forward and have a seat in the  
18 jury box as directed by the security officer: Juror number 10,  
19 Erica Denham, 1 p.m. group.

20 (Prospective juror seated in the jury box.)

21 THE COURT: You may call an additional four -- six.  
22 I'm sorry, six.

23 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
24 I call your name, please come forward and have a seat in the  
25 jury box as directed by the security officer: Juror number 9,



1 Anita Crawford-Murphy, 1 p.m. group; juror number 14,  
2 Mirenda Fields, 1 p.m. group; juror number 47, Richard Winters,  
3 9 a.m. group; juror number 22, Gwendolin McCrea, 1 p.m. group;  
4 juror number 17, Lewis Hoge, 9 a.m. group; and juror number 44,  
5 Derryck Walker, 9 a.m. group.

6 (Prospective jurors seated in the jury box.)

7 COURTROOM CLERK: Will the following jurors please  
8 return to their seats in the courtroom: Juror number 44,  
9 Derryck Walker, 9 a.m. group; juror number 9,  
10 Anita Crawford-Murphy, 1 p.m. group; and juror number 47,  
11 Richard Winters, 9 a.m. group.

12 (Stricken jurors return to the courtroom.)

13 COURTROOM CLERK: Ladies and gentlemen of the jury, as  
14 I call your name, please come forward and have a seat in the  
15 jury box as directed by the security officer. Juror number 26,  
16 Eileen Liles, 9 a.m. group; juror number 39, Ralph Stallings,  
17 1 p.m. group; and juror number 7, Laura Buschman, 1 p.m. group.

18 THE COURT: It appears that counsel have either  
19 exhausted their strikes or do not wish to take any more strikes.  
20 Is that right, Mr. Fitzpatrick?

21 MR. FITZPATRICK: Yes, Your Honor.

22 THE COURT: And Mr. MacMahon?

23 MR. MACMAHON: Yes, we exhausted our strikes,  
24 Your Honor.

25 THE COURT: All right. You may swear the jury.

1 COURTROOM CLERK: Will the defendant please stand and  
2 face the jury.

3 Ladies and gentlemen of the jury, please stand and  
4 raise your right hands. You shall well and truly try, and true  
5 deliverance make between the United States of America and  
6 El Shafee Elsheikh, the defendant at the bar, whom you shall  
7 have in charge, and a true verdict give, according to the  
8 evidence, so help you God?

9 PROSPECTIVE JUROR: (Collectively) I shall.

10 COURTROOM CLERK: Thank you. Please be seated.

11 THE COURT: Ladies and gentlemen, I'm now able to  
12 excuse the remainder of you. I want to thank you for your  
13 participation. We could not have proceeded without your  
14 participation here today, and for that we thank you. You're  
15 free now to leave, and I will see that you're not called soon in  
16 the future. You've served already a full day. You may depart  
17 at this time.

18 I have indicated there are people from the public in  
19 the courtroom upstairs. They may now come down here. I think I  
20 will take a 5-minute recess to allow that to occur, and then  
21 I'll proceed to give you some preliminary instructions to guide  
22 you in your participation in this trial.

23 I also want to fix a time of reporting in the morning,  
24 and I want to know whether any of you have any child care  
25 responsibilities that would be necessary to excuse you at 5:00.

1 Do any of you have such problems? You do. Do you have to be  
2 released sharply at 5:00?

3 JUROR: 5:30. It closes at 6:00. I'm local.

4 THE COURT: I may ask you to make other arrangements in  
5 the future, because we may want to go sometimes to 5:30 or 6:00,  
6 just to get things done.

7 Anyone else have a problem? How about in the morning?  
8 Some of you may come from some substantial distance away, and  
9 getting here in the morning at 9:00 might be difficult. Good.

10 JUROR: I live in Fredericksburg.

11 THE COURT: That's a problem. Would 9:30 help you?

12 JUROR: I can try and get here at 9:00, but, you know,  
13 if there's a wreck on the interstate or something...

14 THE COURT: Yes, of course. Well, we would accommodate  
15 that.

16 JUROR: I live in Loudoun, the western part of Loudoun,  
17 in Purcellville.

18 THE COURT: Would it be a hardship to get here at 9:00?

19 JUROR: Probably not, but if there's traffic...

20 THE COURT: Of course we will accommodate any crashes.  
21 Do you have to navigate 66?

22 JUROR: No, I go the Greenway.

23 THE COURT: How about you?

24 JUROR: Straight up 95.

25 THE COURT: That's even worse. We will plan on

1 somewhere in the vicinity of between 5:00 and 6:00, and 9:00 in  
2 the morning for now.

3 But we're going to take a recess now. Now, during the  
4 recess you are not to discuss the case among yourselves or with  
5 anyone, or undertake any investigation on your own. And that's  
6 true for the duration of this. You are not to discuss the  
7 matter with anyone, and you are not to look up anything in books  
8 or the internet.

9 When I first began presiding over cases, now nearly  
10 35 years ago, I had a long list of references I would tell the  
11 jury, don't look at this, don't look at that. Well, of course,  
12 nobody looks at books anymore, it's just those of us from that  
13 generation that do that.

14 Don't look up anything on the internet. Don't look up  
15 anybody's name or anything else. Because you're to decide the  
16 case solely on the basis of the evidence presented here and the  
17 Court's instructions on the law. So don't undertake any  
18 investigation on your own and don't do -- don't talk to anybody  
19 about this case.

20 And there may well be people who want to talk to you  
21 about it. For example, there may be journalists outside, and  
22 they will want to say something to you, ask you a question.  
23 That's their job. But it's wrong, from us. We can't do that.  
24 If they give you a problem, you let me know and I will have the  
25 marshals take care of it. Because they cannot pester you. And

1 they know that, but they also have a job to do and they try to  
2 do it.

3 All right. I was going to take a brief recess, but do  
4 we have everyone here from the 10th floor?

5 COURT SECURITY OFFICER: As far as I know, Your Honor.

6 THE COURT: All right. Now that you've been sworn,  
7 ladies and gentlemen, I'm going to give you some preliminary  
8 instructions to guide you in your participation in this trial.  
9 It will be up to you, and it will be your duty to find from the  
10 evidence what the facts are. You and you alone will be the sole  
11 judges of the facts of this case.

12 You will then have to apply to the facts, as you find  
13 them from the evidence in the case, the law that the Court will  
14 give to you in the form of instructions at the end of the case.  
15 And you must follow that law whether you agree with it or not.  
16 Nothing the Court may say or do during the course of the trial  
17 is intended to indicate, nor should it be taken by you as  
18 indicating, what your verdict should be. What your verdict is  
19 is your sole and exclusive duty and responsibility.

20 Now, the evidence from which you may find the facts of  
21 the case will come from the testimony of the witnesses, who will  
22 testify from the witness stand directly across from you. If you  
23 look across, you'll see the witness stand some of you have  
24 already sat in.

25 And the facts will also be determined by documents and

1 other things received into the record as exhibits. And the  
2 lawyers may agree or stipulate to certain facts, and any facts  
3 that the lawyers may agree or stipulate to may be taken by you  
4 and considered in arriving at your verdict. So any facts that  
5 the lawyers agree or stipulate to, or that the Court may  
6 instruct you to find, may be considered and reviewed by you in  
7 finding what the facts are.

8           There are certain matters that are not facts and must  
9 not be considered by you. Let me list those for you now.

10 First, the lawyers' statements. The lawyers' arguments and the  
11 lawyers' questions by themselves are not evidence; it is the  
12 answers that are evidence to the questions. So you should not  
13 take the arguments and the statements and questions alone by the  
14 lawyers as evidence. They are not evidence.

15           Objections to questions are not evidence. Lawyers have  
16 an obligation to their client to make an objection when they  
17 believe evidence is being offered that is contrary to the rules  
18 of evidence. You should not be influenced by the objection or  
19 by the Court's ruling on it. If the objection is sustained,  
20 ignore the question. If the objection is overruled, then you  
21 may treat the answer to that question just as you would treat  
22 the answer to any other question.

23           Testimony that the Court excludes or tells you to  
24 disregard is not evidence and must not be considered by you.  
25 And anything you may have seen or read or heard outside the

1 courtroom is not evidence and must be disregarded. You're to  
2 decide the case solely on the basis of the evidence presented  
3 here in the courtroom.

4 And you will hear me every evening instruct you not to  
5 discuss the matter with anyone, including your family members.  
6 You'll hear me tell you tonight that your family members will be  
7 very curious about what you've been doing today. They'll want  
8 to know all about it. They'll ask you questions; you will be  
9 tempted to answer those questions. Avoid or resist the  
10 temptation. Don't answer the questions. Simply tell them that  
11 the judge has told you that you may not discuss the matter while  
12 the case is being tried.

13 Now, when the case is over and we have a verdict, I  
14 will give you some guidance then. But you'll be free to speak  
15 to whomever you please at that point in time. I'll give you  
16 some cautions about that. In fact, I'll do it now, because I'll  
17 do it again.

18 I'm always disturbed when I see in the media jurors  
19 discussing what went on in the course of deliberations. I think  
20 when they do that, it does an injury to the deliberative  
21 process. When jurors exchange views in the course of their  
22 deliberations, I think they do it expecting confidentiality.  
23 They don't expect that everything they say and do is going to be  
24 brooded about in the media.

25 So I think it's fair to say, and I will suggest it to

1       you -- I'm not going to issue an order, but I will suggest to  
2       you that you have a duty of confidentiality to your fellow  
3       jurors as to what went on in the course of deliberations. But  
4       it is a choice for you to make.

5               Now, let me go on. There are two kinds of evidence  
6       from which you may find the facts of this case. There is direct  
7       evidence and circumstantial evidence. Direct evidence is direct  
8       evidence of a fact, such as the testimony of an eyewitness to an  
9       event. Circumstantial evidence is other evidence which leads  
10      you to believe that a fact has been shown. It's proof of facts  
11      from which you may infer or conclude that other facts exist.

12             I'll give you further instructions on these as well as  
13      other matters at the end of the case, but for now you should  
14      have in mind that you may consider both kinds of evidence, both  
15      direct evidence and circumstantial evidence.

16             Now, it will be up to you to decide which witnesses to  
17      believe, which witnesses not to believe -- which witnesses to  
18      believe, which witnesses not to believe, and how much of each  
19      witness' testimony to accept or reject. You and you alone are  
20      the sole judges of the credibility of the witnesses and the  
21      weight and effect of their testimony. And, as I said, I'll give  
22      you further instructions on these as well as other matters at  
23      the end of the case.

24             Now, as you know, this is a criminal case, and there  
25      are three basic rules about a criminal case that you must keep



1 in mind. First, the defendant is presumed innocent until proven  
2 guilty. The indictment against the defendant, as I told you  
3 earlier, brought by the government, is only the formal means of  
4 accusation. It's nothing more. It's not proof of guilt or  
5 evidence of any kind. The defendant therefore starts out with a  
6 clean slate.

7 Second, the burden of proof is always on the government  
8 until the end of the case. The defendant has no burden to prove  
9 his innocence, or to present any evidence or to testify. And  
10 since the defendant has the right to remain silent, the law  
11 prohibits you, in arriving at your verdict, from considering  
12 that the defendant may not have testified.

13 Now, the third rule for a criminal case is that the  
14 government must prove a defendant's guilt beyond a reasonable  
15 doubt. And I'll give you further instructions on this point  
16 later, but bear in mind that in this respect, a criminal case is  
17 different from a civil case, which requires only a preponderance  
18 of the evidence.

19 Now let me give you a few words about your conduct as  
20 jurors. First, I instruct you that during the trial, you are  
21 not to discuss the case among yourselves or with anyone else.  
22 And not until you retire to the jury room at the end of the case  
23 to deliberate on your verdict are you to discuss the case among  
24 yourselves. Until then, you're simply not to talk about the  
25 case.

1           And you're not to read or listen to anything touching  
2           on the case in any way. Avoid media reports on the case.  
3           Remember, that's not evidence. It's only what you see and hear  
4           presented here this the courtroom that is the evidence in the  
5           case.

6           If anyone should try to talk to you about it, bring it  
7           to the Court's attention promptly and do not talk to them about  
8           it. It may be -- we'll figure out a way to do this, but there  
9           may be media representatives outside who will do their best to  
10          accost you once they identify you're on the jury and get you to  
11          say something. Do not talk to them. And if it becomes a  
12          problem, the court security officer and the deputy marshals will  
13          escort you and we'll make sure nobody bothers you. If you have  
14          any trouble with that, let me know. I'll take care of it.

15          Next, do not undertake any research or make any  
16          investigation about the case on your own. Don't look up  
17          anything. I had a case some years ago, not many years ago,  
18          after computers became a way of life, and I found out that a  
19          juror had looked up my name on the internet. He was very  
20          disappointed. He was even more disappointed when I chastised  
21          him for it. Don't do it. It is not part of this case.

22          Now, do not form any opinion on the case until all the  
23          evidence is in. Keep an open mind until you start your  
24          deliberations at the end of the case. And I am going to permit  
25          you, of course, to take notes. Tomorrow when you appear, there

1 will be booklets prepared with your name on them.

2 COURT SECURITY OFFICER: Sir, they're under their  
3 chairs right now.

4 THE COURT: Their names are on them?

5 COURT SECURITY OFFICER: No, but the books are there.

6 THE COURT: Well, either we'll put the names on them  
7 and we'll give them to the court security officer to hand out  
8 tomorrow. We'll put your names on there. And you're at liberty  
9 to take as many or as few notes as you wish. And nobody is  
10 going to look at your books. I won't look at them, the court  
11 security officer won't, nobody will. I won't permit anybody to  
12 look at them. Only you will look at them. And, as I said, you  
13 may take as many notes or as few notes as you wish.

14 And you may wish to take notes about what a particular  
15 witness said, and whether you were impressed with the witness or  
16 not impressed or whatever. And there will be somewhere in the  
17 neighborhood of 30 to 40 witnesses, so you may wish to do that,  
18 and you're forewarned in that regard. And at the end of the  
19 day, the books will be collected.

20 And, indeed, at each recess you'll hear the familiar  
21 litany from me about refraining from discussing the matter among  
22 yourselves or with anyone, or undertaking any investigation.  
23 And the court security officer will either collect your books or  
24 your books will be placed -- is there a cubbyhole in there?

25 COURT SECURITY OFFICER: Yes, sir.

1           THE COURT: All right. There will be a place for you  
2 to put your books in there at the recess.

3           Of course, at the end of the trial you can take your  
4 books home. You can do with them whatever you wish, throw them  
5 in the trash can or keep them as a keepsake. Do whatever you  
6 want. If we catch anybody trying to look at them, we'll take  
7 care of it. They're your private books. You do with them as  
8 you wish. Nothing, if you wish. Leave it blank. It's entirely  
9 up to you.

10           Now, tomorrow, when the trial begins, the government  
11 will have an opportunity to make its opening statement. An  
12 opening statement is neither evidence nor argument. It is a  
13 forecast of what the government intends to offer, and it's  
14 offered to you to help you follow the evidence as it is  
15 presented. So you will hear -- who's going to do it,  
16 Mr. Fitzpatrick?

17           MR. GIBBS: It will be me, Judge.

18           THE COURT: And you will hear him say several times,  
19 "We will present evidence that," or, "You will hear evidence  
20 that," or, "We're going to present a particular witness and  
21 he'll tell you or she'll tell you this." And that's what an  
22 opening statement typically is for. If I have people making  
23 arguments, I will gently - I'll attempt to do it gently - tell  
24 them to remember it's an opening statement and not argument. So  
25 the government will make its opening statement. Then the

1 defendant has the opportunity to make an opening statement, but  
2 the defendant isn't required to.

3 After that, the government will present its witnesses,  
4 and the defense will have an opportunity to cross-examine those  
5 witnesses. And following that, the defendant may, if he wishes,  
6 present witnesses. He's not required to, but if he wishes to,  
7 he may. And the government may cross-examine those.

8 And after that, I will give you final instructions and  
9 permit you to deliberate on your verdict. The opening  
10 statements will be on the order of 30 minutes to an hour. I  
11 can't be any more precise than that at this time.

12 Now, there will be evidence presented that will be  
13 documentary, or evidence on these repeaters. I think it should  
14 be visible to everyone. And you'll have the exhibits with you,  
15 or the opportunity to review exhibits with you when you retire  
16 to deliberate in the jury room.

17 Now, after the lawyers make their closing arguments, I  
18 will give you final instructions on the law and permit you to  
19 retire and deliberate on your verdict.

20 Now, tomorrow your lunches will be provided. And, in  
21 fact, I think you will be given menus tonight to indicate what  
22 you would like. As I may have suggested to you earlier, don't  
23 spend a lot of time looking for the Baked Alaska or the Pheasant  
24 Under Glass or the New York strip. But at least it will be  
25 nourishing in some ways. And we'll have soft drinks available

1 for you for recesses and that sort of thing.

2 And I will take probably one recess in the morning, one  
3 recess in the afternoon, mid morning, mid afternoon. But I give  
4 you the privilege of asking or calling for a recess at any other  
5 time for a truly exigent reason. If you really need a recess,  
6 give me the sports "time" signal, or raise your hand, and I will  
7 give you the recess and I will not ask you the reason for it.  
8 I'll give you that privilege. But I ask you not to avail  
9 yourself of that privilege unless it's truly necessary to do so.

10 Now, anything further this evening, Mr. Fitzpatrick or  
11 Mr. MacMahon?

12 MR. FITZPATRICK: Not for the government, Your Honor.

13 MR. MACMAHON: Not for the defense, Your Honor.

14 THE COURT: All right. Ladies and gentlemen, you may  
15 now go home. As I said, you'll get a chance to mark the menus  
16 in here. The books -- we'll put your names on the books and put  
17 them in the cubbyholes tonight, and you'll get them tomorrow.  
18 You will put your names on the booklets and you can choose which  
19 cubbyhole you want in there.

20 What else? Ordinarily the jury room is right here, but  
21 we're going to allow you to use the larger area both as a  
22 concession to the tail end of the pandemic, and also it doesn't  
23 jam you up together.

24 And same seats tomorrow, if you would. Remember your  
25 seats. Put your names on the books now, and when you go out,

1 you'll file out with the court security officer. He'll show you  
2 where the cubbyholes are. You pick one and put it in there.

3 All right. Good evening, and I will see you tomorrow  
4 morning at 9 o'clock.

5 (Jury out at 4:55 p.m.)

6 THE COURT: Anything further to be accomplished in this  
7 matter this evening? Let me see, I had the first two rows back  
8 there for the families of the victims. Is that adequate?

9 MR. FITZPATRICK: Seems to be working well, Your Honor,  
10 yes.

11 THE COURT: If you need any more, you can spill over to  
12 the two rows here. And the first row entirely should be vacant,  
13 as a security matter, for the time being.

14 MR. FITZPATRICK: Understood.

15 THE COURT: Anything else to be accomplished in this  
16 matter today, Mr. Fitzpatrick?

17 MR. FITZPATRICK: Not from the government, Your Honor.

18 THE COURT: Mr. MacMahon?

19 MR. MACMAHON: Not from the defense, Your Honor. Thank  
20 you.

21 THE COURT: I thank counsel for your cooperation.  
22 Court stands in recess until 9 o'clock tomorrow morning.

23 (Off the record at 4:56 p.m.)  
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CERTIFICATE OF OFFICIAL COURT REPORTER

I, Rebecca Stonestreet, certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

\_\_//Rebecca Stonestreet//\_\_

\_\_11/7/22\_\_

SIGNATURE OF COURT REPORTER

DATE